

Regular Meeting

The regular meeting of the City Council of the City of Fitchburg was held in the Memorial Middle School Auditorium, 615 Rollstone St., Fitchburg, on February 20, 2018. The meeting was called to order by Vice President Amy Green at 7:04 P.M. The Clerk called the roll and ten (10) Councillors were present. Council President Michael Kushmerek was absent. The meeting opened with a salute to the Flag led by Councillor Green.

For the Record

Noted for the record:
FATV was recording the audio and video of the meeting.
Elizabeth Dobbins, Sentinel and Enterprise stated that she was recording the meeting.

PUBLIC FORUM

Public Forum

Mr. Robert Pooler, 167 Blossom Street spoke regarding all of the Ordinances on the agenda regarding marijuana legislation. He asked why the City Council is against marijuana related businesses. He stated that it is a mistake to ban such businesses and that they would provide an increase to the tax base.

Records

REPORT OF COMMITTEE ON RECORDS

The Committee on records reported the minutes of the Regular Meeting of February 6, 2018, and the Special Meeting of February 6, 2018 were correctly recorded. Report accepted and minutes adopted.

City of Fitchburg,

February 20, 2018

Communication

Dept. of
Agricultural
Resources

COMMUNICATION

Department of Agricultural Resources

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

MATTHEW A. BEATON
Secretary

JOHN LEBEAUX
Commissioner

TO: Municipal Chief Executive Officers and Boards of Health

FROM: Taryn LaScola, Director, Division of Crop and Pest Services

REGARDING: MDAR Apiary Program

DATE: February 8, 2018

2018 FEB 12 PM 2:24

FITCHBURG CITY CLERK

The Massachusetts Department of Agricultural Resources ("Department") Division of Crop and Pest Services manages the state Apiary Program ("Program"). The Program promotes and sustains apiculture in the Commonwealth by providing support to honey beekeepers, pesticide applicators, farmers, land managers, educators, regulators and government officials. The Program is comprised of a team of highly trained and knowledgeable staff consisting of a Chief Inspector and full-time seasonal inspectors located throughout the state. In addition, the Program is also charged with carrying out and enforcing the apiary laws and regulations found at M.G.L.c. 128 sections 32-38 and 330 CMR 8.00.

Due to the increased popularity of honey beekeeping and the rising number of beekeepers, the Department would like to inform municipalities that it is available to offer guidance and assistance in the following ways:

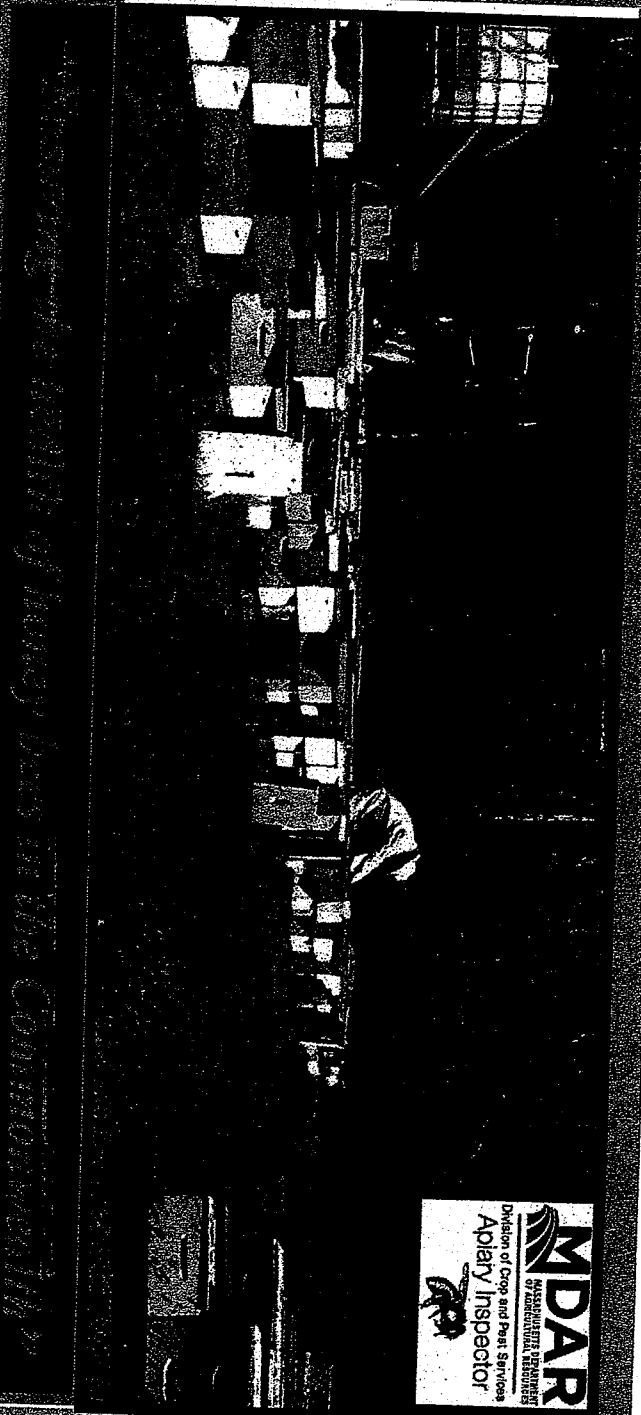
- Educational outreach to town officials
- Information on honey bee biology
- Information on existing state laws and regulations
- Information on best management practices for honey beekeeping
- Information on the Apiary Program's services
- Providing the Massachusetts Pollinator Protection Plan

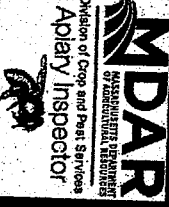
Honey bee health in the country and in Massachusetts is in decline, represented most noticeably by the high annual losses of colonies. A vast majority of agriculture in the Commonwealth and our local food supply relies on honey bees for pollination. The Department supports the efforts of commercial and hobby honey beekeeping within the Commonwealth. The Department also understands that residents and municipalities often have questions and concerns about honey beekeeping activities. Given this, the Department is available to provide municipal government support and assistance.

Please review the attached Apiary Program brochure and also visit our website for additional information: <https://www.mass.gov/apiary-program-honey-bees>. If questions or concerns arise, please contact the Department for additional support.

Communication

Dept. of
Agricultural
Resources





MDAR
Division of Crop and Pest Services
Apiary Inspector

MDAR's Apiary Program has been established to promote and sustain apiculture in the Commonwealth by providing support to honey beekeepers, pesticide applicators, farmers, land managers, educators, students, regulators, academia, government officials and the public. The Program is comprised of a team of highly trained and knowledgeable staff consisting of a Chief Apiary Inspector and full-time Seasonal Inspectors located throughout the state to service the needs of stakeholders and their honey bees.

Inspectors Perform the Following Services:

- ❖ Inspect, sample and monitor honey bees (*Apis mellifera*) and hive equipment for pest, parasites and pathogens.
- ❖ Register apiaries and colonies for beekeepers.
- ❖ Prevent establishment of new pests, parasites, pathogens, and Africanized honey bees (*Apis mellifera scutellata*) through imported bees and hive equipment.
- ❖ Investigate suspected honey bee kills from pesticides and pathogen spillover from American Foulbrood (*Paenibacillus larvae*).
- ❖ Provide technical assistance, continuing education, and outreach to all audiences on topics related to honey bee biology, health, colony management, and pollination.
- ❖ Issue permits for interstate movement of honey bees and hive equipment.
- ❖ Promote honey beekeepers and the local beekeeping industry through marketing of Massachusetts-produced honey and hive products.
- ❖ Communicate with local, regional and national audiences to stay current on trends in honey bee health, management techniques and treatment options.

FAQ

What is the purpose of the MDAR Apiary Program?

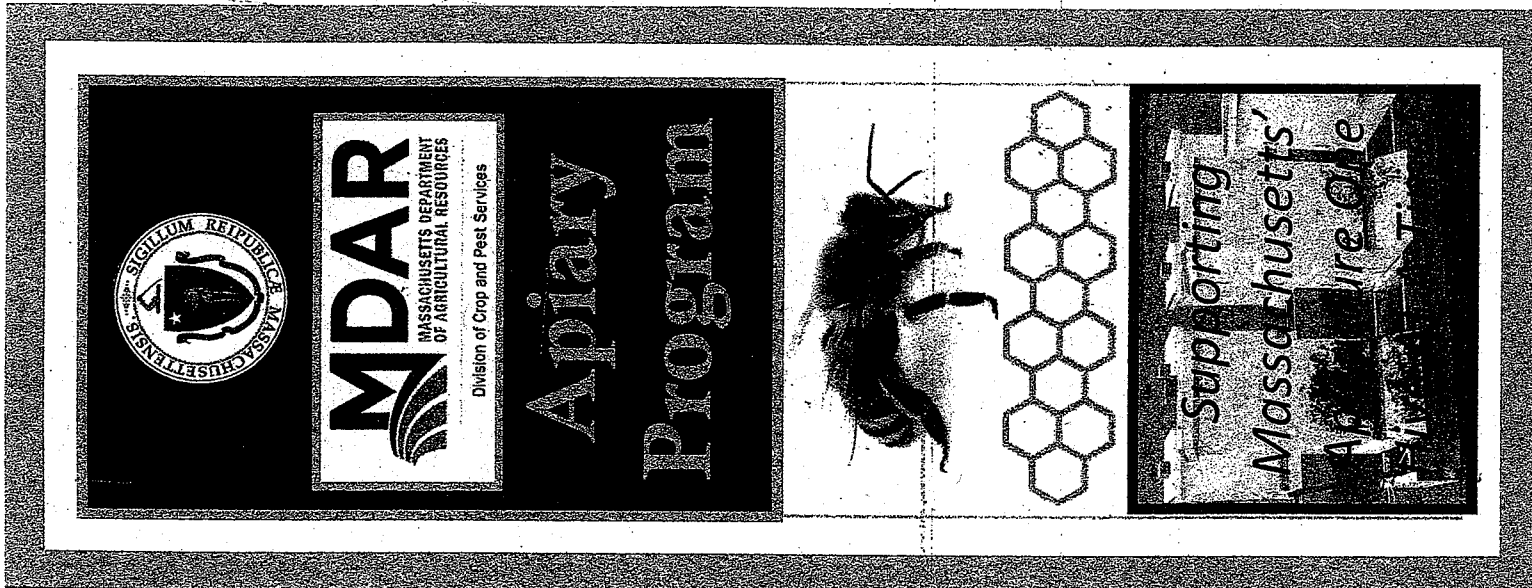
How can I become an apiary inspector?

What are the requirements for becoming an apiary inspector?

How can I get more information about the MDAR Apiary Program?

Communication

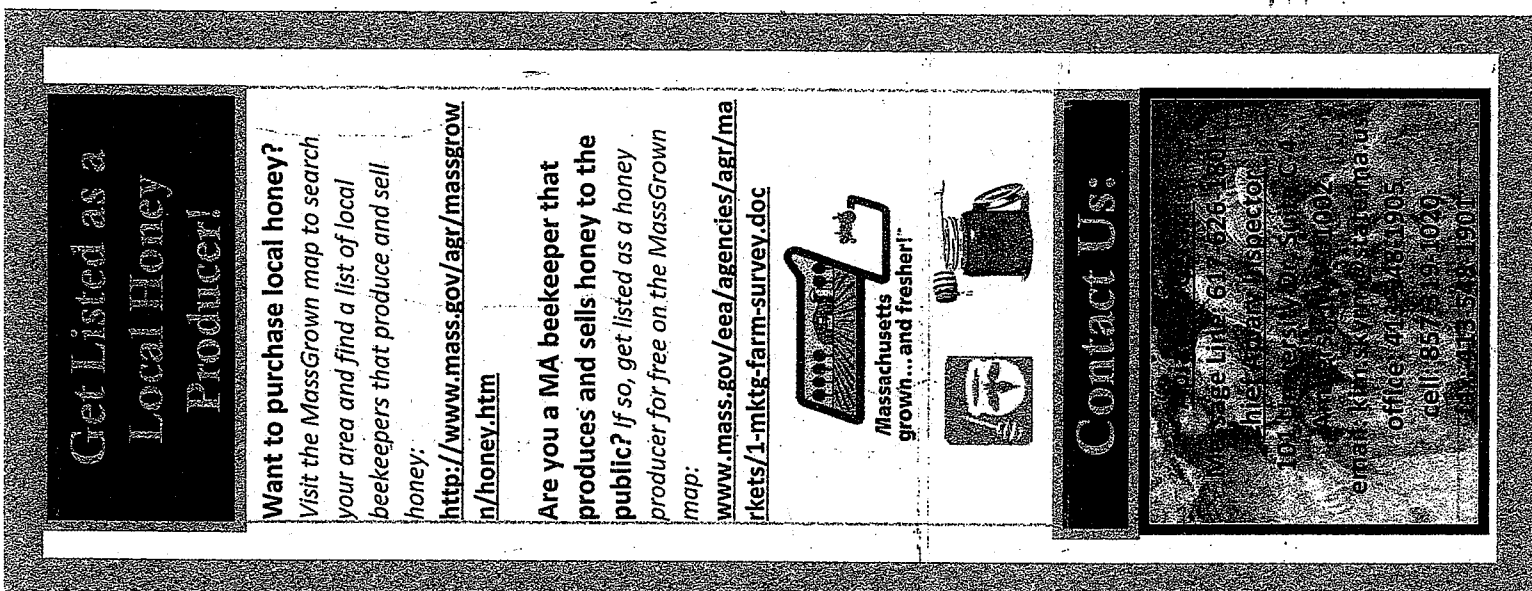
Dept. of
Agricultural
Resources



MDAR
MASSACHUSETTS DEPARTMENT
OF AGRICULTURAL RESOURCES
Division of Crop and Pest Services

**Apiary
Program**

**Supporting
Massachusetts'
Apiculture**



**Get Listed as a
Local Honey
Producer!**

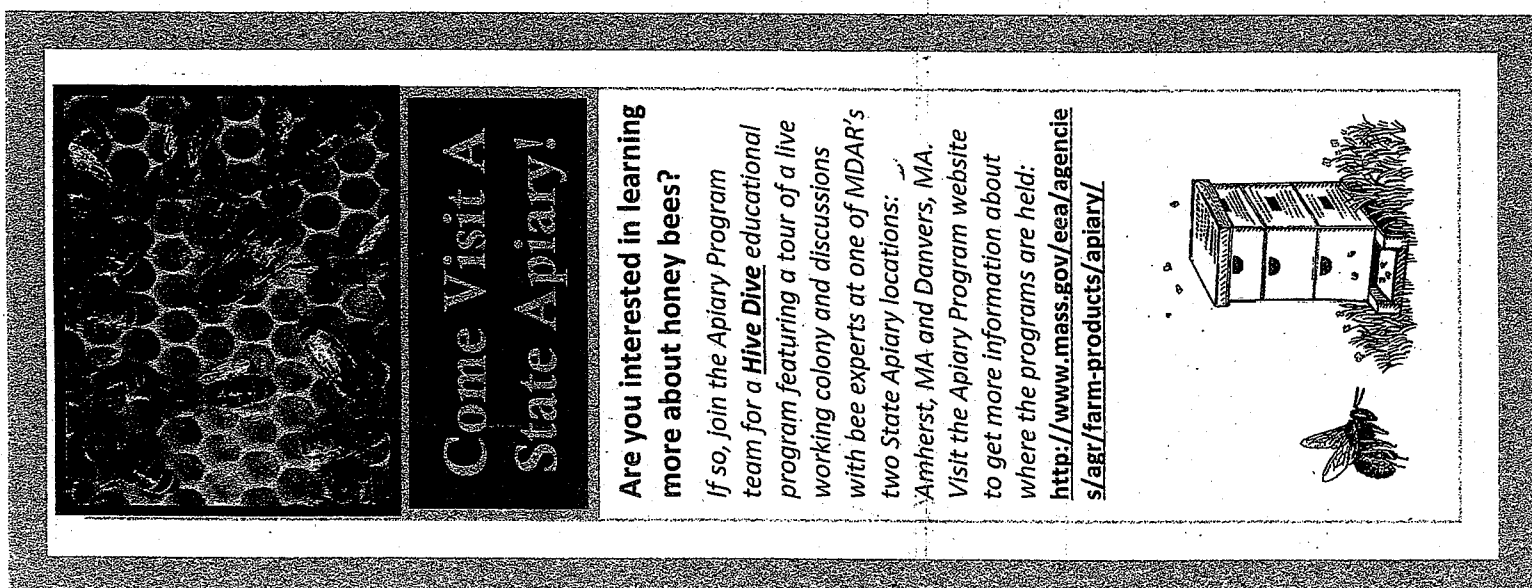
Want to purchase local honey?
Visit the *MassGrown* map to search
your area and find a list of local
beekeepers that produce and sell
honey:
[http://www.mass.gov/agr/massgrow
n/honey.htm](http://www.mass.gov/agr/massgrow/n/honey.htm)

**Are you a MA beekeeper that
produces and sells honey to the
public? If so, get listed as a honey
producer for free on the *MassGrown*
map:
[www.mass.gov/eea/agencies/agr/ma
rkets/1-mktg-farm-survey.doc](http://www.mass.gov/eea/agencies/agr/markets/1-mktg-farm-survey.doc)**

**Massachusetts
grown...and fresher!**

Contact Us:

Massachusetts
Agricultural Experiment Station
Honey Bee Inspector
for University of Massachusetts
Amherst
email: karl.storck@umass.edu
office: 413-548-1905
cell: 857-519-1020
fax: 413-548-1901



**Come Visit A
State Apiary!**

**Are you interested in learning
more about honey bees?**
If so, join the *Apiary Program*
team for a *Hive Dive* educational
program featuring a tour of a live
working colony and discussions
with bee experts at one of MDAR's
two State Apiary locations:
Amherst, MA and Danvers, MA.
Visit the *Apiary Program* website
to get more information about
where the programs are held:
[http://www.mass.gov/eea/agencie
s/agr/farm-products/apiary/](http://www.mass.gov/eea/agencies/agr/farm-products/apiary/)

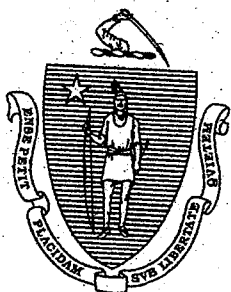
City of Fitchburg,

February 20, 2018

Central Mass.
Mosquito Control
Project

COMMUNICATION

Central Mass Mosquito Control Project



COMMISSION CHAIRMAN
RICHARD DAY

THE COMMONWEALTH OF MASSACHUSETTS
STATE RECLAMATION & MOSQUITO CONTROL BOARD
**CENTRAL MASSACHUSETTS
MOSQUITO CONTROL PROJECT**
111 Otis Street, Northborough, MA 01532 - 2414
Telephone (508) 393-3055 • Fax (508) 393-8492
www.cmmcp.org



EXECUTIVE DIRECTOR
TIMOTHY D. DESCHAMPS

February 8, 2018

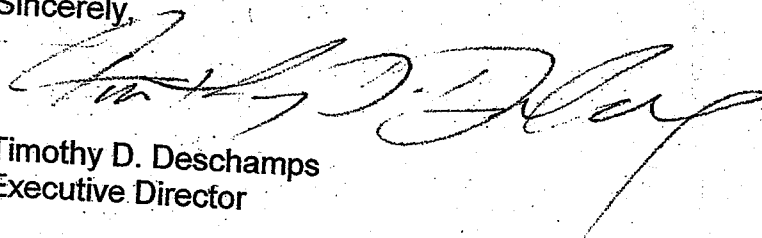
Pursuant to the State Reclamation & Mosquito Control Board's (SRMCB) budget notification and compliance certification policy, as revised, please find enclosed Form SRB-1.

These documents show our preliminary proposed budget amount, increase from FY18 and estimated balance forward on page 1. Pages 3 and 4 show each member community's percentage of total budget, share amounts for CMMCP and SRMCB, and total assessment estimate for FY19.

There are no forms to be mailed back to your office. Please direct any questions, comments or concerns to me at timothy.deschamps@state.ma.us or the CMMCP Commission at commission@cmmcp.org before April 15, 2018.

For more information, please find budget information posted on our website at this link: http://www.cmmcp.org/budget_info.htm. Thank you.

Sincerely,


Timothy D. Deschamps
Executive Director

cc:
Town Administrators/ Town Managers
Select Board Chair
Finance Committee Chair
Board of Health Director/Agent

2018 FEB 12 PM 1:36

FITCHBURG CITY CLERK

(Updated: 05/17/17)

Sample Form SRB-1

Project Name: Central Mass. Mosquito Control Project

NOTICE OF PRELIMINARY PROPOSED BUDGET FOR FY/2019

Notice is hereby given that the Central Mass. Mosquito Control Project's (the "Project") preliminary proposed budget for FY2019 is available online for viewing at (http://www.cmmcp.org/FY19_budget.htm) and summarized below. Any questions, comments or concerns regarding this preliminary budget should be directed to: CMMCP Executive Director Timothy Deschamps at timothy.deschamps@state.ma.us or SRB Chair Taryn LaScola at taryn.lascola@state.ma.us by April 15th.

1. The total preliminary dollar amount that the Project is proposing for FY2019 is \$ 2,343,986. The chart found below highlights the preliminary budget request by the Project for the coming year with pertinent budget information that fully describes the "total trust fund account" budget amount available for the Project to expend in FY2019.

A.	B.	C.	D.	E.	F.	G.	H.	I.
Project Name	Number of Employees	FY2019 Preliminary Proposed Budget Amount	FY2019 % Increase towards Operating Budget	FY2019 % Increase towards Capital Budget	FY2019 Total % Increase Over Certified FY2016 Budget (Add D + E)	FY2018 Estimated Balance Forward /Rollover Amount	FY2018 Actual Budget Revenues	FY2019 Total Est'd Funding Available in Trust Account (Add C + G)
Central Mass.	21	\$ 2,343,986	3.4%	%	3.4%	\$250,000	\$2,266,843	\$2,593,986

Central Mass.
Mosquito Control
Project

(Updated: 5/17/17)

Sample Form SRB-1

2. The member municipalities within the Project together with each municipality's estimated proportionate share thereof expressed both as a percentage and as a dollar amount, are as set forth on Form SRB-1, Page 2. **As of the date of this notice, the Project is comprised of 41 municipalities as listed on Form SRB-1, Page 2.**

If the composition of the Project changes because one or more municipalities join or withdraw from the Project, the total preliminary budget will be adjusted pro rata.

8. A copy of this Notice, together with a copy of the preliminary budget proposed, has been delivered or mailed to the Chief Administrative Officer, Chief Executive Officer, to the Finance Committee of each member municipality having a finance committee, and to the State Reclamation and Mosquito Control Board.

City of Fitchburg,

February 20, 2018

Central Mass.
Mosquito Control
Project

Sample Form SRB-1

Project Name: Central Mass. Mosquito Control Project
FY2019 Proposed Cherry Sheet Assessments Estimates
Based on the preliminary proposed Project budget
(2016 Equalized Valuations)

Name of Municipality	% of Total Budget	Project Share Amount*	State Reclamation Mosquito Control Board Share Amount*	Total Assessment Estimate*
Acton	3.1%	\$71,778	\$2,992	\$74,770
Ashland	1.9%	\$43,784	\$1,825	\$45,609
Auburn	2.1%	\$48,386	\$2,017	\$50,403
Ayer	1.2%	\$27,894	\$1,163	\$29,057
Berlin	1.5%	\$34,714	\$1,447	\$36,161
Billerica	4.1%	\$96,018	\$4,002	\$100,020
Blackstone	1.3%	\$31,352	\$1,307	\$32,659
Boxborough	1.3%	\$31,164	\$1,299	\$32,463
Boylston	1.8%	\$42,727	\$1,781	\$44,508
Chelmsford	3.6%	\$84,376	\$3,517	\$87,893
Clinton	0.9%	\$20,315	\$847	\$21,162
Dracut	2.9%	\$68,180	\$2,842	\$71,022
Fitchburg	3.4%	\$80,002	\$3,334	\$83,336
Gardner	2.6%	\$60,417	\$2,518	\$62,935
Holliston	2.5%	\$58,502	\$2,438	\$60,940
Hopedale	0.7%	\$16,371	\$682	\$17,053
Hopkinton	3.6%	\$83,770	\$3,492	\$87,262
Hudson	1.8%	\$41,254	\$1,719	\$42,973
Lancaster	3.1%	\$72,207	\$3,010	\$75,217
Leominster	3.8%	\$88,839	\$3,703	\$92,542
Littleton	2.1%	\$49,666	\$2,070	\$51,736
Lowell	3.1%	\$71,984	\$3,000	\$74,984
Lunenburg	3.0%	\$71,290	\$2,971	\$74,261
Marlborough	3.4%	\$80,142	\$3,340	\$83,482
Milford	2.3%	\$52,787	\$2,200	\$54,987

Central Mass.
Mosquito Control
Project

Millbury	2.0%	\$46,538	\$1,940	\$48,478
Millville	0.6%	\$13,553	\$565	\$14,118
Natick	3.4%	\$78,711	\$3,281	\$81,992
Northborough	2.5%	\$59,742	\$2,490	\$62,232
Northbridge	2.1%	\$50,226	\$2,093	\$52,319
Sherborn	1.9%	\$45,488	\$1,896	\$47,384
Shrewsbury	3.4%	\$80,250	\$3,345	\$83,595
Southborough	2.0%	\$47,781	\$1,992	\$49,773
Stow	2.1%	\$49,784	\$2,075	\$51,859
Sturbridge	4.2%	\$97,598	\$4,068	\$101,666
Tewksbury	3.2%	\$73,931	\$3,081	\$77,012
Webster	1.6%	\$38,420	\$1,601	\$40,021
Westborough	3.0%	\$71,154	\$2,966	\$74,120
Westford	4.2%	\$98,981	\$4,125	\$103,106
Wilmington	2.7%	\$63,910	\$2,664	\$66,574
TOTAL	100.0%	\$2,343,986	\$97,698	\$2,441,684

(Updated: 5/17/17)

Communication read and placed on file in the City Clerk's
Office.

REPORTS OF COMMITTEES

Appointments Committee Oral Report
Meeting of February 20, 2018

The following Communication from Council President Michael Kushmerek was presented to the Appointments Committee:

Dear Councilor Green,

I apologize for my absence as a member at this evening's Appointments Committee meeting. Please accept this brief communication to the committee.

I have known Mr. Van Hazinga for the duration of my time on the Fitchburg City Council. Mr. Van Hazinga has served as a dedicated, diligent and passionate member of the Fitchburg Planning Board for several years. Though the duties are not always glamorous, he approaches each obligation and item before the board with careful consideration and gravitas. I have no doubt that he will do the same as a representative on the Fitchburg Housing Authority. We are fortunate as a city to have someone of Mr. Van Hazinga's experience and willingness to serve.

I urge my fellow members of the committee to vote in favor of this appointment.

sincerely,

Michael P. Kushmerek
Fitchburg City Council President and Ward 4 Councilor

The Appointments Committee recommended the following Appointments be confirmed:

New Appointments:
Fitchburg Housing Authority

(Term to expire March 1, 2023)
(To fill the position of Mr. Paul Fontaine, whose appointment expires March 19, 2018.)
Mr. Andrew J. Van Hazinga

Trustees of Public Burial Grounds

(Term to expire February 1, 2020)
Ms. Andrienne G. Clark

Re-Appointment
Board of Health

(Term to expire January 1, 2021)
Mr. Ian Murray

Report accepted. Appointments confirmed by unanimous vote. 10 members present. Board consists of 11 members.

Reports of
Committees
Finance Committee

Finance Committee
February 13, 2018

The Finance Committee recommended the following Order be held:

018-18. ORDERED THAT: There be and hereby is transferred from within the sum of THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00) same to be transferred from ASSESSOR, PERSONAL SERVICES, DEPARTMENT HEAD and credited to ASSESSOR EXPENSES, CONTRACTED SERVICES.

Report read and accepted. Order held by unanimous vote. 10 members present. Board consists of 11 members.

The Finance Committee recommended the following Orders be adopted:

019-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the U.S. Food and Drug Administration; Retail Standards Grant Program grant in the approximate amount of \$3,000.00 (THREE THOUSAND AND 00/100 DOLLARS) for the purpose of said grant, which is to continue to provide funding for staff to attend FDA trainings, workshops, and seminars to maintain food inspection standards.

020-18. ORDERED THAT: The City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, Department of Fire Services grant in the approximate amount of \$5,407.00 (FIVE THOUSAND, FOUR HUNDRED SEVEN AND 00/100 DOLLARS) for the purpose of said grant, which is to continue to teach fire safety to children in elementary schools.

021-18. ORDERED THAT: That the City of Fitchburg hereby approves the expenditure of funds from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security, Department of Fire Services grant in the approximate amount of \$2,813.00 (TWO THOUSAND, EIGHT HUNDRED THIRTEEN AND 00/100 DOLLARS) for the purposes of said grant, which is to teach senior citizens about the importance of fire safety and avoiding in particular cooking and electrical fires.

Report read and accepted. Orders adopted by unanimous vote. 10 members present. Board consists of 11 members.
Orders signed by the Mayor February 22, 2018.

The Finance Committee recommended the following Petition be granted:

- 023-18. Stephen Curry, Board of Health Director, to approve the attached Board of Health adopted fees for Food Services Establishments based on the risk level of the Food Establishments.



The City of Fitchburg

Health Department
166 Boulder Drive, Suite 108
Fitchburg, MA 01420
Tel: 978-829-1870
Fax: 978-829-1962

Board of Health
Ian Murray, Chairman
John Bogdasarian, M.D.
Sandra Knipe, R.N., B.S.N

STEPHEN D. CURRY
HEALTH DIRECTOR

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to revise the regulatory food permit fee schedule to reasonably reflect the service time the Fitchburg Health Department dedicates to the administrative duties, plan approval, permitting and inspection of each food establishment.

On August 3, 2017, the Fitchburg Board of Health unanimously voted on amendments to our food permit regulatory fee schedule in accordance with M.G.L. Chapter 111, Section 31, M.G.L. Chapter 40, Section 22F, and M.G.L. Chapter 59, Section 20A.

All food permit fees and plan review fees are NON-REFUNDABLE

Annual Food Establishment:

- Risk Level 1:** \$50.00/Annually
*Plan review fee: \$25.00
- Risk Level 2:** \$100.00/Annually
*Plan review fee: \$50.00
- Risk Level 3:** \$200.00/Annually
*Plan review fee: \$100.00
- Risk Level 4:** \$250.00/Annually
*Plan review fee: \$150.00

*Plan review fees are a onetime service fee for the review of plans for new establishments.

Frozen Dessert License: Add \$25 for the review of monthly frozen dessert test results

Seasonal Food Establishments (operates six months or less per year):
½ the cost of the annual food permit

Reports of
Committees
Finance Committee

Mobile Food:

Sale of retail pre-packaged food only (i.e. pre-packaged ice cream): \$100/Annually

Food Service: \$200.00/Annually

Plan Review fee: \$100.00

Residential Kitchen:

Residential Kitchen for retail sale: \$100.00/Annually

Residential Kitchen for bed and breakfast: \$100/Annually

Plan Review fee: \$50.00

Temporary Food Establishment (up to 14 days):

\$45.00/One day

\$30.00 for each additional day up to 14 days

Additional Plan Review Fees:

Renovation of an existing permitted establishment: \$50.00

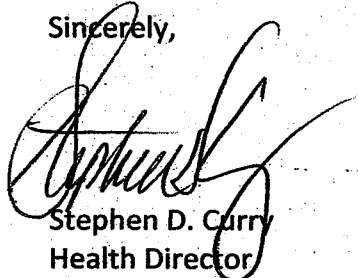
Change of ownership of an existing establishment: \$50.00

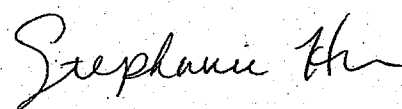
HACCP Plan Review: \$75.00

Annual permit renewal late fee: \$35.00 if the permit renewal application and payment is submitted after April 1

If you have any questions or concerns regarding the amendments to the Board of Health regulatory fee schedule, please contact Stephanie Holinko at the Fitchburg Health Department by e-mail to sholinko@fitchburgma.gov or at 978-829-1873.

Sincerely,


Stephen D. Curry
Health Director


Stephanie R. Holinko
Food Inspector

CC: File

Page 2 of 2

Motion to amend the petition as follows passed by vote of 9 in favor and 1 opposed (Beauchemin):

Level 3 risk - \$125.00

Level 4 risk - \$200.00

Mobile food trucks - \$150.00

Petition as amended was passed by vote of 9 in favor and 1 opposed (Beauchemin). 10 members present. Board consists of 11 members.

Reports of
Committees

Public Safety
Committee

Public Safety Committee Oral Report
Meeting of February 20, 2018

The Public Safety Committee recommended the following Petition be given leave to withdraw:

- 109-13. Councillor Jody Joseph and Clement Cotnoir, to place a crosswalk at the corner of Jeffrey St. and Electric Ave. This would allow Mr. Cotnoir access to the adjacent sidewalk.

Report accepted. Petition given leave to withdraw by unanimous vote. 10 members present. Board consists of 11 members.

The Public Safety Committee recommended the following Petitions be granted:

- 119-17. Councillor Paul Beauchemin, to place a stop sign on Columbus St. at the intersection of St. Joseph Ave. and Columbus St., and also at the intersection of Oak Hill Road and Columbus St.
- 229-17. Councillor Paul Beauchemin, to replace a stop sign with a yield sign that is located at the corners of Daniels St. and River St., because it is a roundabout.

Report accepted. Petitions granted by unanimous vote. 10 members present. Board consists of 11 members.
Petitions forwarded to the City Solicitor for Ordinance Preparation.

The Public Safety Committee recommended the following Petition be given leave to withdraw:

- 230-17. Councillor Paul Beauchemin, to request that all roundabouts in the city be uniform.

Report accepted. Petition given leave to withdraw by unanimous vote. 10 members present. Board consists of 11 members.

The Public Safety Committee recommended the following Petition be held in Committee:

- 244-17. Councillor Marcus DiNatale, mandating that for any non-aviation event at the Fitchburg Municipal airport, said event must end no later than 7:00 PM on Sunday through Thursday evenings and no later than 9 PM on Friday and Saturday evenings.

Report accepted. Petition held in Committee by unanimous vote. 10 members present. Board consists of 11 members.

Reports of
CommitteesPublic Safety
Committee

The Public Safety Committee recommended the following Petition be given leave to withdraw:

- 254-17. Councillor Marcus DiNatale, to install two traffic Mirrors, one at the intersection of Shea Street and Franklin Road, and the other at the intersection of Kimball Street and Rollstone Street (across from FATV).

Report read and accepted. Petition given leave to withdraw by unanimous vote. 10 members present. Board consists of 11 members.

The Public Safety Committee recommended the following Petition be granted:

- 280-17. Councillor Paul Beauchemin, to put a stop sign at the corner of Amiott and King Streets, as outlined in the Petition.

Report accepted. Petition granted by unanimous vote. 10 members present. Board consists of 11 members.
Petition forwarded to the City Solicitor for Ordinance Preparation.

The Public Safety Committee recommended the following Petition be given leave to withdraw:

- 281-17. Councillor Joel Kaddy, to install proper signage showing that two lanes of traffic can turn onto Main Street heading towards River Street.
(**AMENDED** to install proper signage "at the Upper Common facing Prospect Street" and referred as amended)

Report accepted. Petition given leave to withdraw by unanimous vote. 10 members present. Board consists of 11 members.

The Public Works Committee recommended the following Petition be granted:

- 297-17. Councillors Joel Kaddy and Marcus DiNatale, to install a stop sign at the intersection of Vernon Street and Sanborn Street.

Report accepted. Petition granted by unanimous vote. 10 members present.
Petition forwarded to the City Solicitor for Ordinance Preparation.

The Public Safety Committee recommended the following Petition be held in Committee:

- 298-17. Councillor Paul Beauchemin, to have painted on the portion of Electric Ave. and Franklin Road a 20 mile an hour warning on the pavement so as to slow traffic as indicated in the drawing.

Report accepted. Petition held in Committee by unanimous vote. 10 members present. Board consists of 11 members.

City of Fitchburg,

February 20, 2018

The Public Safety Committee recommended the following Petition be granted:

- 299-17. Councillor Michael Kushmerek, to install stop signs on Mt. Globe Street at its intersection with Davis Street.

Report accepted. Petition granted by unanimous vote. 10 members present. Board consists of 11 members. Petition forwarded to the City Solicitor for ordinance Preparation.

The Public Safety Committee recommended the following Petitions be granted:

- 320-17. Harold Mateo, RSC Global Holdings, LLC, for a Class II Dealer's License at 1118 Water Street.

Reports of Committees

Public Safety Committee

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF Fitchburg

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF

FITCHBURG CITY CLERK
AM 9:06

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? RSC Global Holdings, LLC
..... DBA Rayco Motors

Business address of concern. No. 1118 Water Street St.,
..... Fitchburg, MA 01420 City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation?
..... LLC

3. If an individual, state full name and residential address.

4. If a co-partnership, state full names and residential addresses of the persons composing it.

..... Harold Mateo - 35 Avon Street, Wakefield, MA 01880

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President N/A Harold Mateo

Secretary I

Treasurer

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles?

If so, is your principal business the sale of new motor vehicles? NO

Is your principal business the buying and selling of second hand motor vehicles? YES

Is your principal business that of a motor vehicle junk dealer? NO

Reports of
CommitteesPublic Safety
Committee

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

Sale of used auto vehicles, Rayco Motors
1118 Water St, in existence since 1953

8. Are you a recognized agent of a motor vehicle manufacturer?

NO

(Yes or No)

If so, state name of manufacturer

9. Have you a signed contract as required by Section 58, Class 1?

NO

(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof?

YES

(Yes or No)

If so, in what city — town

Wakefield, MA

Did you receive a license?

YES

(Yes or No)

For what year? 2017, 2018

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked?

NO

(Yes or No)

Sign your name in full.

(Duly authorized to represent the concern herein mentioned)

Residence... 35 Ann Street, Wakefield, MA 01881

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH
FULL INFORMATION, AND FALSE STATEMENTS
HEREIN MAY RESULT IN THE REJECTION OF
YOUR APPLICATION OR THE SUBSEQUENT
REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

City of Fitchburg

February 20, 2018

Reports of
Committees

Public Safety
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APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation
(Approved or Disapproved)

License No. granted 19 Fee \$

Signed

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59: The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

Reports of
CommitteesPublic Safety
Committee

The City of Fitchburg
ZONING Board of APPEALS
166 Boulder Drive – Suite 108
Fitchburg, Massachusetts

FITCHBURG CITY CLERK

DECISION OF THE ZONING BOARD OF APPEALS 2017 JUL 21 AM 9:48

Members in Attendance: Lauren McNamara – Chair, Michael McLaughlin – Co-Chair,
Anthony Zarrella – Clerk, Joseph Byrne & Joseph Marrama

Case No. ZBA-2017-32

Petitioner: Clearwater Real Estate Investment Group, LLC

Land Affected: 1118 WATER ST

Public meeting was held on July 18, 2017 in the City Hall Offices, 166 Boulder Dr., Fitchburg, Massachusetts on a Special Permit under §181.3561 to reinstate a vacant/abandoned building located in the Central Business District at 148/12/0

At this time the Zoning Board of Appeals finds:

- Board agreed to grant the special permit with conditions on limited number of vehicles for sale.
- Plan to be submitted at review in September paying engineering attention to specifics with respect to residential and commercial parking requirements and buffer zones.
- Petitioner wants to reinstate the property as a car dealership existing buildings to be upgraded to code.

With the above findings, the Zoning Board of Appeals voted 4-1 to Grant a Special Permit under §181.35 with the following conditions: (MM)

- Review September 19, 2017 at which time updated parking plan will be presented paying engineering attention to specifics with respect to residential and commercial parking requirements and buffer zones.
- Parking Plan showing 4 spaces delineated between customer, employee and vehicle sale parking on the applicant's property, a 10' buffer between the commercial use and the residential 2-family building, show green space not to encompass paved apron, show snow removal area and safe traffic flow pattern
- Plan submitted at review should also show no encroachment onto property not owned by petitioner
- Any parking spaces not on the applicant's property may cause the special permit to be revoked
- Sunset Clause – The Special Permit will terminate/expire upon the sale or transfer of the property or the change in ownership/operation of the business from Harold Mateo, applicant

A Special Permit/Variance/Use Variance may be revoked or modified if the Zoning Board of Appeals finds, after hearing, with notice to parties in interest, that the grantee has violated any condition(s) imposed by the Special Permit/Variance/Use Variance.

The petitioner, his/her heirs and assigns shall be responsible to the City of Fitchburg for any violations of the Zoning by-laws and for violations of the conditions contained in any decision of the Zoning Board of Appeals. If said violation is found, a fine may be imposed in the amount of \$300.00 per day.

Any appeals shall be made pursuant to M.G.L. Ch. 40A §17 within twenty (20) days of the date of filing & recording with the City Clerk's Office and the Planning Board

Zoning Board of Appeals

Lauren McNamara - Chair

Variance, Special Permit, Use Variance or Constructive Grant of a Variance must be recorded in the Registry of Deeds for the county and district in which the land is located under the owner of record or is recorded and noted on the owner's certificate of title pursuant to M.G.L. Ch.40A §11. Building permit may be applied for at that time from the Building Department with a copy of the decision showing the Book and Page from the Registry of Deeds

City of Fitchburg,

February 20, 2018



Fitchburg, Massachusetts
Office of the
Building Commissioner

ROBERT LANCIANI
Building Commissioner

JOHN MORREALE
Local Building Inspector

KYLE RIDLEY
Inspector of Wires

WAYNE LITTLE
Plumbing/Gas Inspector

March 15, 2017

Clearwater Real Estate Investment Group
35 Avon St
Wakefield, MA 01880

RE: Form of Intent for 1118 Water St, Map 148 Block 12 Lot 0

Dear Sirs;

I have reviewed your requests for a zoning determination and building permit application and my findings are as follows:

1. Land and building at 1118 Water St, Map 148 Block 12 Lot 0 are located in a (CBD) Central Business District (Zoning Map of the City of Fitchburg and Chapter 181, Section 181.23 of the General Ordinances of Fitchburg as amended).
2. The existing structure is a nonconforming building that has been abandoned or not used for a period of more than two years. The building has lost its protected status and is now subject to the provisions of the zoning ordinance, unless a special permit is issued pursuant to Section 181.3561. There are no setback requirements in the CBD, but the plot plan provided seems to show that the building(s) may not be entirely on the parcel. Please provide a certified plot plan that shows the setbacks to all structures on the property. **Applications for a Special Permit from the Board of Zoning Appeals are available at the City Clerk's office, 166 Boulder Drive.**
3. The last business to use the property has not been licensed or had a valid Certificate of Inspection since at least 2013. The existing sign and carport do not have valid permits and must be removed from the property.

Reports of
Committees

Public Safety
Committee

Reports of
Committees

Public Safety
Committee

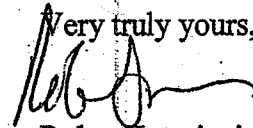
Page 2
1118 Water St, Map 148 Block 12 Lot 0

March 15, 2017

4. All renovations done to the existing building will require plans and specifications to show that code compliance is met under the Massachusetts State Building Code eighth edition before a building permit can be issued.

If you have any questions regarding this zoning determination, please feel free to write or call this office.

Very truly yours,



Robert Lanciani
Building Commissioner

City of Fitchburg,

February 20, 2018



The City of Fitchburg
ZONING Board of APPEALS
166 Boulder Drive – Suite 108
Fitchburg, Massachusetts

FITCHBURG CITY CLERK

2017 DEC 19 PM 1:59

Reports of
Committees

Public Safety
Committee

DECISION OF THE ZONING BOARD OF APPEALS

Members in Attendance: Lauren McNamara – Chair, Michael McLaughlin – Co-Chair,
Anthony Zarrella – Clerk, Joseph Byrne, & Jeanne Survell

Case No. ZBA-2016-32

Petitioner: Clearwater Real Estate Group, LLC

Land Affected: 1118 WATER ST

Public meeting was held on December 12, 2017 in the Senior Center, 14 Wallace Av., Fitchburg, Massachusetts on a Review of the Special Permit under §181.3561 to reinstate a vacant/abandoned building located in the Central Business District at 148/12/0

At this time the Zoning Board of Appeals finds:

- Updated parking plan was presented at this hearing (attached).
- All conditions have been met according to the plan
- With the amended conditions below, there is no reason not to approve this review.

With the above findings, the Zoning Board of Appeals voted 4-0 to APPROVE the Review under §181.3561 with the following conditions:

- Maximum of 5 cars for sale on property
- No parking of any vehicles on or along the sidewalk and any parking spaces not on the applicant's property may cause the special permit to be revoked
- Business not to be operated as a nuisance
- Sunset Clause – The Special Permit will terminate/expire upon the sale or transfer of the property or the change in ownership /operation of the business from Clearwater Real Estate Group.

A Special Permit/Variance/Use Variance may be revoked or modified if the Zoning Board of Appeals finds, after hearing, with notice to parties in interest, that the grantee has violated any condition(s) imposed by the Special Permit/Variance/Use Variance.

The petitioner, his/her heirs and assigns shall be responsible to the City of Fitchburg for any violations of the Zoning by-laws and for violations of the conditions contained in any decision of the Zoning Board of Appeals. If said violation is found, a fine may be imposed in the amount of \$300.00 per day.

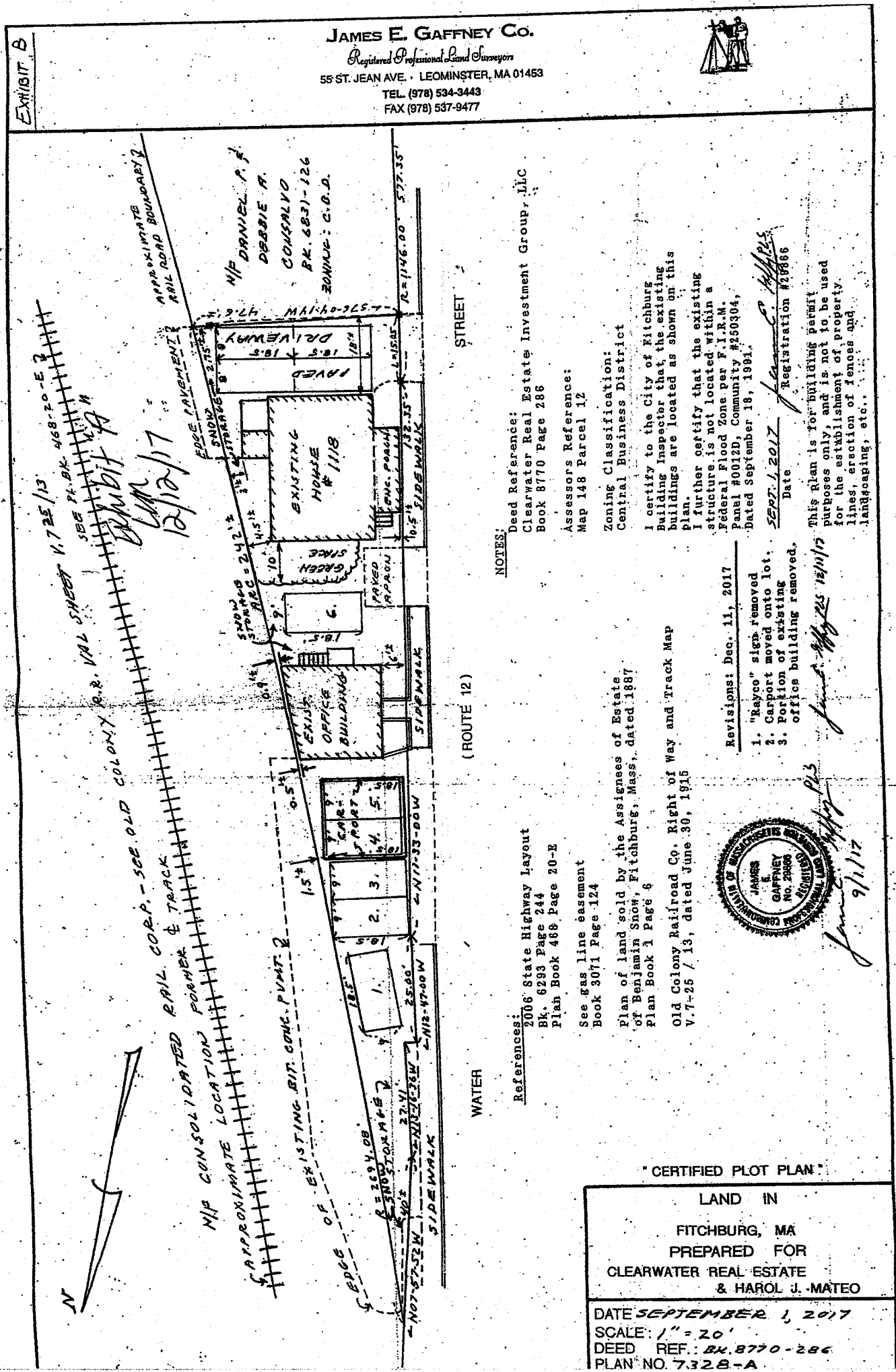
Any appeals shall be made pursuant to M.G.L. Ch. 40A §17 within twenty (20) days of the date of filing & recording with the City Clerk's Office and the Planning Board

Zoning Board of Appeals

A handwritten signature in black ink, appearing to read "Lauren McNamara", is written over the printed name.

Lauren McNamara - Chair

Variance, Special Permit, Use Variance or Constructive Grant of a Variance must be recorded in the Registry of Deeds for the county and district in which the land is located under the owner of record or is recorded and noted on the owner's certificate of title pursuant to M.G.L. Ch.40A §11. Building permit may be applied for at that time from the Building Department with a copy of the decision showing the Book and Page from the Registry of Deeds

Reports of
CommitteesPublic Safety
Committee

009-18. Councillor Michael Kushmerek and residents of Ward 4 whose signatures are attached, to conduct a speeding and/or traffic analysis in the High and Marshall Street Neighborhood as determined by the Fitchburg Police Traffic Bureau..

Reports of Committees

Public Safety Committee

We, the residents of Marshall, High, Elm & Johnson are very concerned about the speeding that has been happening in our neighborhood. We request the City do something to calm the traffic on our streets.

Name	Address
Jonathan N. Rattala	144 High St BSMT Fitchburg MA 01420
<i>[Signature]</i>	115 High St
<i>[Signature]</i>	115 Same
Mina Jones	114 High St.
Perry Coleman	124 High St
<i>[Signature]</i>	133 High St.
Evelyn Lewis	133 High St.
Jacob Kinstarty	148 High St.
MARTA ALBIZU	149 HIGH ST.
Helena Chaban	158 High St
<i>[Signature]</i>	134 High St
Jack Dargatzis	103 High St Fitch
José Santiago	91 High St
Wanda Torres	91 High St
Emmy Gonzalez	91 High St
Carlos Gonzalez	"
Marta cha Santiago	"
Rafael Santiago	"
Omayra Santiago	"
Sebastien	69 High St (veterans) Home
Christine spinelli	88 Marshall St Apt 2

Public Safety
Committee

[illegible]

February 20, 2018

Public Safety
Committee[illegible]

Report accepted. Petitions granted by unanimous vote. 10
members present. Board consists of 11 members.

Loan Order
#17-2018

LOAN ORDER

017-18. LOAN ORDER: That \$2,000,000.00 be appropriated to pay costs of rehabilitation, improvements, and making extraordinary repairs to school buildings, as outlined in the enclosed Loan Order.

City of Fitchburg

FITCHBURG CITY CLERK

2018 FEB -1 PM 2:46

In City Council

ORDERED: That

\$2,000,000.00 is appropriated to pay costs of rehabilitation, improvements, and making extraordinary repairs to school buildings, and the payment of all other cost incidental and related thereto; that to meet this appropriation, the City Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Loan Order was sent to a final reading, adopted and ordered advertised by roll call vote of 10 in favor and 0 opposed. 10 members present. Board consists of 11 members. Loan Order signed by the Mayor February 22, 2018.

ORDERS-FINANCE

- 027-18. ORDERED THAT: There be and hereby is appropriated the sum of TWO HUNDRED THOUSAND AND 00/100 DOLLARS (\$200,000.00) same to be charged against AVAILABLE FUNDS and credited to the following DEPARTMENT OF PUBLIC WORKS, SNOW & ICE accounts:
- | | |
|------------------------------|--------------|
| PERSONAL SERVICES, OVERTIME: | \$ 25,000.00 |
| EQUIPMENT RENTAL | \$ 65,000.00 |
| SALT | \$110,000.00 |

Order adopted under Suspension of the Rules by unanimous vote. 10 members present. Board consists of 11 members.
Order was signed by the Mayor February 22, 2018.

The following Orders were referred to the Finance Committee:

- 028-18. ORDERED THAT: The City Council, by majority vote pursuant to G.L. c. 4, §4, adopt the provisions of G.L. c. 64N, §3 to impose a local sales tax on the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the city or town to anyone other than a marijuana establishment at the rate of up to three (3%) percent of the total sales price received by the marijuana retailer as a consideration for the sale of marijuana or marijuana products, the rate to be specified by City Ordinance.
- 029-18. ORDERED THAT: The Honorable Mayor Stephen DiNatale is authorized on behalf of the City of Fitchburg to facilitate and execute the attached Community Host Benefit agreement with Atlantic Medical Partners located at 774 Crawford Street, Fitchburg, MA.

City of Fitchburg

FITCHBURG CITY CLERK

2018 FEB 15 AM 10:32

In City Council,

ORDERED:-- That

WHEREAS, Massachusetts voters approved the legal cultivation, processing, distribution, sale and use of marijuana for medical purposes through Chapter 369 of the Acts of 2012, An Act for Humanitarian Medical Use of Marijuana (the "Act") and its implementing regulations at 105 CMR 725.000 et seq. (the "Regulations"); and

WHEREAS, the City does not oppose the establishment of a lawful Medical Marijuana cultivation, processing and/or dispensary facility within the City of Fitchburg for a period beginning on the date in the first paragraph of this Agreement and ending on termination as provided herein; and

WHEREAS, the Company has identified a site and wishes to locate a Medical Marijuana cultivation and processing facility and dispensary at 774 Crawford Street, Fitchburg, Massachusetts (the "Facility") in accordance with the Regulations issued by the Commonwealth of Massachusetts Department of Public Health (the "DPH"); the Parties agree that the site at 774 Crawford Street, Fitchburg, Massachusetts shall be considered the "area" in which the Facility is located and shall extend no further than the property boundaries of the premises leased or owned by the Company; and

WHEREAS, the proposed Facility is located in a zoning district that allows such use by right or by local permitting; and

WHEREAS, the Company promises to provide certain benefits to the City as provided for herein in the event that it is licensed to operate a Facility and receives all required local approvals; and

WHEREAS, the Company may wish to operate a Marijuana Establishment for the cultivation, manufacturing and dispensing of marijuana and marijuana products as authorized by G.L. c. 94G if such operation is authorized and permitted by the City;

WHEREAS, the Company's representations are intended to induce reliance on the part of the City to whom the representation is made and in fact the Company has made a promise which the Company should reasonably expect to induce action or forbearance of a definite and substantial character on the part of the City, including but not limited to the letter of non-opposition which has been executed in reliance on the promises made herein; and

WHEREAS, the acts or omissions by the City are in reasonable reliance on the representations and said promises and said representations and promises have induced such action or forbearance on the part of the City; and

WHEREAS, the detriment to the City as a consequence of the act or omission is fairly and adequately remediated by the enclosed provisions and only compliance or enforcement of the same can avoid an injustice and therefore enforcement would be necessary; and

WHEREAS, the promises laid out in this document are indeed a true measure of the remedy needed to

Orders-Finance

WHEREAS, the Company and the City understand that the promises contained herein are intended to commit the Company and the City to the same; and

NOW THEREFORE, IT IS ORDERED that in order to address the impacts sustained by the city in connection with the siting the facility, the company offers the attached Community Host Benefit Agreement for Medical Marijuana Cultivation, Processing and Dispensary Facility and the City accepts this Agreement in accordance with G.L. c. 94G §3(d);

NOW THEREFORE, IT IS FURTHER ORDERED AND VOTED that the Honorable Mayor Stephen L. DiNatale be hereby authorized for and behalf of said City to execute and deliver any and all documents and take any and all acts necessary, convenient, and helpful to facilitate and execute the agreement and site the facility.

**CITY OF FITCHBURG AND ATLANTIC MEDICINAL PARTNERS, INC.
COMMUNITY HOST BENEFIT AGREEMENT FOR MEDICAL MARIJUANA CULTIVATION,
PROCESSING AND DISPENSARY FACILITY**

This Community Host Benefit Agreement (the "**Agreement**") is entered into this ___ day of _____, 2018, by and between the City of Fitchburg, a Massachusetts municipal corporation, located at 166 Boulder Dr., Fitchburg, MA 01420 (the "**City**") and Atlantic Medicinal Partners, Inc. (the "**Company**"); a Massachusetts not-for-profit corporation with an address of c/o Vicente Sederberg, LLC, 2 Seaport Lane, Boston, Massachusetts 02210.

WHEREAS, Massachusetts voters approved the legal cultivation, processing, distribution, sale and use of marijuana for medical purposes through Chapter 369 of the Acts of 2012, An Act for Humanitarian Medical Use of Marijuana (the "**Act**") and its implementing regulations at 105 CMR 725.000 et seq. (the "**Regulations**"); and

WHEREAS, the City does not oppose the establishment of a lawful Medical Marijuana cultivation, processing and/or dispensary facility within the City of Fitchburg for a period beginning on the date in the first paragraph of this Agreement and ending on termination as provided herein; and

WHEREAS, the Company has identified a site and wishes to locate a Medical Marijuana cultivation and processing facility and dispensary at 774 Crawford Street, Fitchburg, Massachusetts (the "**Facility**") in accordance with the Regulations issued by the Commonwealth of Massachusetts Department of Public Health (the "**DPH**"); the Parties agree that the site at 774 Crawford Street, Fitchburg, Massachusetts shall be considered the "area" in which the Facility is located and shall extend no further than the property boundaries of the premises leased or owned by the Company; and

WHEREAS, the proposed Facility is located in a zoning district that allows such use by right or by local permitting; and

WHEREAS, the Company promises to provide certain benefits to the City as provided for herein in the event that it is licensed to operate a Facility and receives all required local approvals; and

WHEREAS, the Company may wish to operate a Marijuana Establishment for the cultivation, manufacturing and dispensing of marijuana and marijuana products as authorized by G.L. c. 94G if such operation is authorized and permitted by the City;

Orders-Finance

WHEREAS, the Company's representations are intended to induce reliance on the part of the City to whom the representation is made and in fact the Company has made a promise which the Company should reasonably expect to induce action or forbearance of a definite and substantial character on the part of the City, including but not limited to the letter of non-opposition which has been executed in reliance on the promises made herein; and

WHEREAS, the acts or omissions by the City are in reasonable reliance on the representations and said promises and said representations and promises have induced such action or forbearance on the part of the City; and

WHEREAS, the detriment to the City as a consequence of the act or omission is fairly and adequately remediated by the enclosed provisions and only compliance or enforcement of the same can avoid an injustice and therefore enforcement would be necessary; and

WHEREAS, the promises laid out in this document are indeed a true measure of the remedy needed to compensate the City for the detriment incurred as a result of the City's acts and omissions in reliance on the promises contemplated by the parties; and

WHEREAS, the Company and the City understand that the promises contained herein are intended to commit the Company and the City to the same.

NOW THEREFORE, in consideration of the foregoing, the Company offers the following and the City accepts this Agreement in accordance with G.L. c. 94G §3(d):

- a. The Company agrees to pay an impact fee to the City, in the amounts and under the terms provided herein ("Impact Fee"). The Treasurer of the City shall hold the Impact Fee, pursuant to and consistent with G.L. c. 94G §3(d). The purpose of the Impact Fee is to alleviate the impacts from the siting of the Facility within the City. The Parties have reviewed the various costs and impacts to the City of the siting and operation of the Facility. After review, the Parties agree that the Impact Fee listed herein is directly proportional and reasonably related to the costs and other impacts imposed upon the City by the siting and operation of the Facility; and the Company agrees to waive any claim that the Impact Fee specified in this Agreement is not a true measure of the costs and other impacts experienced by the City. The parties agree that siting this and similar facilities can have costs and impacts including, but not limited to, a) the need to promote a positive perception of the City to other residents, visitors and businesses, b) an increased impact on the health and security of its

Citizens, c) an increased impact on the roads and public services of the City, d) increased administrative and compliance costs, e) increased regulatory and inspectional services. Therefore, the parties agree that it is appropriate to use any Impact Fee or other funds paid hereunder to combat blight and other economic issues facing the City; to support substance abuse education, prevention, treatment, and housing; to repair or improve the City's infrastructure and utility services; to increase public health and safety services; administrative, regulatory, inspectional and compliance services; legal fees and costs incurred in connection with the Company (except as otherwise provided for herein); and all other costs incurred in connection with the recited impacts. This Impact Fee has been calculated without reference to legal fees associated with the negotiation, drafting and execution of this Agreement. Notwithstanding the foregoing, the City may in its sole discretion expend the Impact Fee as it deems appropriate for alleviating the impacts of siting the Facility within the City, as it deems the impacts to be in its sole discretion.

- b. The Company shall cooperate in supplying any documentation requested by the City as to itemization of any impact of siting the Facility within the City, upon the City's request.
2. Term: The term of this Agreement shall begin the date in which the Final Certificate of Registration for cultivation, processing or dispensing of medical or non-medical marijuana at the Facility is issued by the DPH or other regulatory authority (the "**Commencement Date**"), and shall terminate on:
 - a. Any date in which any DPH or local license or permit is revoked, rescinded or expires without having been renewed; or
 - b. Upon an Event of Default including any period set forth herein to cure, as hereinafter defined in this Agreement, and termination by the City; or
 - c. Upon termination by the Company pursuant to Paragraph 15 hereof provided all payments due hereunder have been made.
 - d. Regardless of the reason for termination, upon termination the next Annual Payment (as defined within this Agreement), abated pro rata to the date of termination, shall be paid to the City by the Company (the "Final Annual Payment"). The Company shall pay the Final Annual Payment to the City within thirty (30) days after the date of termination.

- e. The Agreement shall continue until termination even if payment of the Annual Fee ceases pursuant to requirement of law.

Notwithstanding anything to the contrary herein, in accordance with G.L. c. 94G §3(d), the payment terms set forth in paragraphs 4 and 5 herein shall apply only for a five-year period commencing on the Commencement Date. The parties agree to renegotiate the payment terms prior to the expiration of such five-year period.

3. The term "Sales" as used in the terms "Gross Fitchburg Sales" and "Gross Other Sales" shall mean the grand total of all sales transactions without any deductions included in the figure. This definition shall include but not be limited to sales of marijuana, marijuana infused products, marijuana accessories, and any other products that facilitate the use of marijuana, such as vaporizers, and as further defined in G.L. c. 94G §1 or 105 CMR 725.004, and any other merchandise or product sold by the Company ("Goods"). The term "Gross Fitchburg Sales" shall include all Sales of Goods occurring at the Facility or by delivery from the Facility to any Qualified Patient or retail customer. The term "Gross Other Sales" shall mean all Sales of Goods other than Gross Fitchburg Sales, including Sales to Qualified Patients or retail customers occurring at the Company's retail locations other than the Facility and wholesale Sales to third parties. Gross Other Sales shall be valued at the price paid when such Goods are sold to any Qualified Patient, retail customer or entity not owned by the Company. The definition of "retail customer" and related terminology shall be clarified by memorandum between the Parties to be executed upon commencement of recreational marijuana operations.

4. The Company shall forward to the City the following amounts as the Impact Fee:
- a. Twenty-Five Thousand (\$25,000.00) Dollars on the Commencement Date and an additional Twenty-Five Thousand (\$25,000.00) Dollars on the date of the first Gross Fitchburg Sale or Gross Other Sale (the "Commencement Payment"). The Commencement Payment may be credited against the calculation of the Annual Payment, defined below, and such credit may be extended over such time period as is necessary to comply with any statutory limitation on the Annual Payment.
- b. Three (3%) Percent of Gross Fitchburg Sales, plus One (1%) percent of Gross Other Sales, calculated for the twelve (12) month period following the Commencement Date and each anniversary thereof (the "Annual Payment").
- c. The first Annual Payment shall be due within 30 days of the one year anniversary of the Commencement Date. Thereafter, the Company shall make the Annual Payment

in equal quarterly installments every three months, with each payment due on the 30th day following the end of the three month period. At the option of the Company, the due date may be amended once, by written request, to align with its fiscal or tax quarterly filing obligations for ease of administration, but such amendment shall not change the total amount due.

- d. In the City's sole discretion, it may direct the Company to provide some services or materials on account of the amounts specified herein (the "Services"). In this event the Company shall provide independent verification of the value of said service or materials to the City upon request and in form satisfactory to the City (provided that any reasonable cost related solely to obtaining said independent verification shall be credited to the Annual Payments required hereunder), and the City shall credit the Annual Payment in said amounts. Notwithstanding the foregoing, the Company shall not be required to provide any Services in conflict with the Regulations. In any case, the Services shall not include the distribution of any assets protected by the Act or the Regulations (e.g. marijuana and marijuana infused products) to an individual that is not duly authorized to possess the same.
 - e. To the extent that the Annual Payment is limited by the law of the Commonwealth of Massachusetts at the time the Annual Payment is due to an amount less than that specified in this Agreement, the Annual Payment shall be decreased to the maximum amount permissible.
 - f. The company shall be required to make the Annual Payment for a five-year period commencing on the Commencement Date. At the conclusion of this five-year period, the parties shall enter into a new agreement as to the amount of the Impact Fee.
5. The Company, in addition to any Services or Funds specified herein, shall establish a board within the Company (the "Community Relations Board") with oversight authority over, to the extent the same is controlled by the Company, the site plan, the signage and appearance of the Facility; provided, however, nothing herein shall prevent the DPH from having final approval over the Community Relations Board's oversight.
- a. The Community Relations Board shall be funded by the Company and have the authority to make a gift or grant of funds, goods and/or services on behalf of the Company to local charities or to contribute to addressing the City's needs. The Company shall fund the Community Relations Board in the amount of at least Fifty

Orders-Finance

Thousand (\$50,000.00) annually, in excess of its obligation under any other agreement, to make a meaningful contribution to local charities or the City's needs. The first such funding shall occur on the first anniversary of the Commencement Date and subsequent funding will occur on each anniversary thereof.

- b. The City's needs and local charities shall be identified by the Community Relations Board. Unless otherwise agreed by the parties, the Community Relations Board shall be comprised of a board of individuals numbering six

(6) including three individuals appointed by the City's Mayor who shall serve as members with all of the rights including voting rights and none of the duties, and three others who are officers or directors of the Company. In the event of a tie or deadlock of the Community Relations Board, the Mayor's most recent appointee's vote shall control. Each appointment shall be for a term of three (3) years. The Community Relations Board shall meet to identify needs and local charities and to make gifts or grants as aforesaid not less than twice per calendar year.

- c. Pursuant to the Regulations, any and all individuals associated with the Facility shall be subject to the requisite background checks. As such, all members of the Community Relations Board shall agree to submit to background checks with the DPH.

6. This Agreement and promises are contingent on the Company obtaining a Certificate of Registration from the DPH to operate a facility within the City, and the Company's receipt of any and all local approvals to locate, occupy and operate.
7. This Agreement and promises are contingent on the City Council's acceptance of the Agreement pursuant to G.L. c. 94G §3(d) and of any gift or grant being received pursuant to G.L. c. 44 § 53A, or at the option of the City pursuant to any other law or assignment.
8. The Company agrees that it will pay all personal property taxes that would otherwise be assessed if the Company was a for-profit non-manufacturing business organization for the property owned or used by the Company (hereinafter known as the "Full Personal Property Tax") unless the Company supplies sufficient identifying information on the owners of all personal property used by the Company and the City collects the Full Personal Property Taxes from that entity. In no event shall the Company apply for a reduction or elimination of property taxes due to the Company's not-for-profit or other status.

9. The Company agrees that it will pay all real property taxes for the property owned or used by the Company to site the Facility that would otherwise be assessed if the Company was a for-profit, nonagricultural business organization owning the real-estate in which the Facility is sited (hereinafter known as the "Full Real Estate Tax"). However, the Company will not be responsible if the Company supplies sufficient identifying information on the owners of all real property used by the Company and the City collects the Full Real Estate Tax from that entity or is otherwise capable of placing a lien in an amount equal to the Full Real-Estate Tax plus interest and penalties on the real estate for the nonpayment of the real estate taxes. In no event shall the Company apply for a reduction or elimination of property taxes due to the Company's not-for-profit or other status.
10. The Company agrees that jobs created at the Facility will be made available to City of Fitchburg residents. City residency will be a positive factor in hiring decisions at the Facility, but this does not prevent the Company from hiring the most qualified candidates and complying with all employment laws and other legal requirements.
11. This Agreement does not affect, limit, or control the authority of any City department, including boards and commissions, to carry out their respective duties in deciding whether to issue or deny any necessary local permits or licenses, required under the laws of the Commonwealth, the Fitchburg Zoning Ordinance, the Board of Health or any other applicable laws and regulations. By entering into this Agreement the City is not required to issue such permits or licenses. The Company acknowledges that it is subject to a special permit or site plan review including façade improvements and screening of the facility.
12. The terms of this Agreement will not constitute a waiver of the City's regulatory authority or of the Company's applicant responsibilities not otherwise addressed by this Agreement. This Agreement does not affect, limit, or control the authority of any City departments, including boards and commissions, to issue fees, fines and penalties. This Agreement does not affect, limit, or control the authority of the City to levy taxes, whether authorized by any current or future regulation, act or statute or any amendment which may be enacted thereto, and any amounts specified above as Impact Fees, gifts or grants, including but not limited to Paragraphs 4 and 5, shall not constitute taxes or be creditable thereto.
13. Events of Default: The Company shall be deemed to have committed an event of default if any of the following occur:

Orders-Finance

- a. the Company relocates the Facility outside of the City, without prior approval from the City or Ninety (90) day notice;
- b. the Company fails to obtain, and maintain in good standing, all necessary local licenses and permits, and such failure remains uncured for thirty (30) days following written notice from the City;
- c. the Company ceases to operate a Facility in the City;
- d. the Company fails to make payments to the City as required under this Agreement, and such failure remains uncured for Thirty (30) days following written notice from the City;
- e. the Company fails to participate in the Community Relations Board, unless otherwise limited or prevented from doing so; and,
- f. DPH deems the Company has committed an event of default (as defined in the Regulations), provided that the Company is able to exercise all available remedies to re-establish good standing with the DPH.

14. Termination for Cause: The City may terminate this Agreement Thirty (30) days after the occurrence of any Event of Default. In addition, the City may terminate this Agreement for cause at any time by giving at least Ninety (90) days' notice, in writing, to the Company. Cause is defined as the Company's purposeful or negligent violation of any applicable laws of the Commonwealth, or local ordinances and regulations, with respect to the operation of a Facility. If the City terminates this Agreement the Final Annual Payment (as defined within this Agreement) shall be paid to the City by the Company. The Company shall pay the Final Annual Payment to the City within thirty (30) days following the date of termination.

15. Termination by the Company: The Company may terminate this Agreement Ninety (90) days after cessation of operations of any Facility within the City. The Company shall provide notice to the City that it is ceasing to operate a Facility in the City and/or it is relocating to another facility outside of the City at least ninety (90) days prior to the cessation or relocation of operations. If the Company terminates this Agreement the Final Annual Payment (as defined within this Agreement) shall be paid to the City by the Company. The Company shall pay the Final Annual Payment to the City within thirty (30) days following the date of termination.

16. If the City terminates this agreement the Company shall:

- a. not be relieved of liability due under this contract until the Company discontinues operation of the Facility in Fitchburg; provided that, once the Company does discontinue operation of the Facility in any event, it shall have no further obligations under Paragraphs 4 and 5 of this Agreement except for the Final Annual Payment as set forth above;
 - b. not be relieved of liability to the City for damages sustained by the City for personal injury or property damage;
 - c. secure the real estate and personal property owned or used at the time of Default or Termination whichever is earlier, at its sole expense in such a manner so as not to permit waste to occur to the property;
 - d. pay all amounts due and reasonably anticipated to be due under this agreement through and until Company discontinues operation of the Facility in Fitchburg;
 - e. provide the City with adequate security for amounts due and reasonably anticipated to be due under this agreement; and
 - f. cease and desist operations immediately after the expiration of the Ninety (90) Day notice for cause provided for in paragraph 14, unless otherwise ordered by the Mayor.
 - g. Unless the Company ceases all operations within the City, enter into a new Community Host Agreement which is consistent with the then existing law.
17. Anything contained herein to the contrary notwithstanding, in the event the Company fails to locate a Facility in the City of Fitchburg this agreement shall become null and void without further recourse of either party after the Company contributes Twenty-Five Hundred (\$2,500.00) to the City's Legal Department for the meetings, the negotiation and execution of this Agreement as required in Paragraph 27 below.
18. In the event that the Company desires to relocate the Facility within the City of Fitchburg it must obtain approval of the new location by the City.
19. This agreement is entered into with the understanding that the Commonwealth has permitted cultivation, processing and distribution of marijuana for recreational

Orders-Finance

purposes. In the event the Company engages in this activity, then the terms of this agreement including but not limited to the calculation of Gross Fitchburg Sales, Gross Other Sales, the Commencement Date, and Impact Fee and/or maximum gifts or grants due hereunder, preferential treatment due to the Company's status and all non-monetary provisions of the Agreement shall also include and govern all such activity and relate to both medical and all other marijuana until the amount of the Impact Fee is renegotiated as provided for herein. The parties shall execute a subsequent memo clarifying the application of the terminology of this agreement to recreational activities to conform to the regulations to be issued by the Cannabis Control Commission.

20. Non-Medical Marijuana: The Company, its successors, and assigns hereby agrees that it shall not engage in cultivating, selling or processing marijuana and marijuana products within the City as a Marijuana Establishment as defined in G.L. c. 94G §1 ("Recreational Use"), unless and until the Company is permitted therefore by the City through any procedure the City may require. If the validity of this provision is affected in whole or in part by passage of future legislation by the Commonwealth of Massachusetts, then the payment terms set forth in Paragraphs 4 and 5 shall prevail, but with respect to the period commencing five years after the Commencement Date, the parties shall renegotiate the terms of this Agreement as to Recreational Use or enter into a separate Agreement regarding Recreational Use, including but not limited to potentially increasing the amount of the payments to be made to the City, in recognition that the additional use may have greater impacts and effects on the City.
21. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the Commonwealth of Massachusetts, and the Company submits to the jurisdiction of the Worcester Superior Court for the adjudication of disputes arising out of this Agreement. Furthermore, in the event of litigation between the City and the Company, neither party shall contest the validity of this agreement, and will stipulate that this agreement shall be enforced as a valid legally binding contract requiring the Company to pay an Impact Fee and/or to make the gift or grant and that this obligation is supported by valuable consideration, or, at the City's option, that the City is also entitled to enforcement under a theory known as detrimental reliance which is also identified commonly as promissory estoppel.
22. Any and all notices, or other communications required or permitted under this Agreement shall be in writing and delivered by hand or mailed, postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the following addresses:

The City: Vincent Pusateri
City Solicitor
Fitchburg City
Hall 166 Boulder
Dr.
Fitchburg, MA 01420

with a copy to: A.J. Tourigny
Mayor's Chief of Staff
166 Boulder Dr.
Fitchburg, MA 01420

Company: Atlantic Medicinal Partners, Inc.
c/o Vicente Sederberg LLC
2 Seaport Lane
Boston, MA 02210

23. Subject to the final sentence of this Paragraph, the Company shall not assign, sublet, or otherwise transfer this Agreement, in whole or in part, without the prior written consent of the City, and shall not assign any of the moneys payable under this Agreement, except by and with the written consent of the City. In the event that the Company sells all or substantially all of its assets then the Company will also assign the obligations under this Agreement to the purchasing entity. The City shall not unreasonably delay, condition or withhold assent to such an assignment, and in the case of a merger or acquisition of the Company or a sale of all or substantially all of the Company's assets, the City shall limit its objections to such merger, sale or acquisition to financial stability or moral character of the resulting entity or purchaser, based on independent or objectively verifiable evidence.
24. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives.
25. The Company shall file with the City copies of the financial disclosures provided to the Commonwealth of Massachusetts including but not limited to the DPH and the Attorney General. The Company shall provide audited financial statements by a CPA firm approved by the City in the event that in the City's discretion the same is required as a result of a legitimate material question or controversy relative to the Company's financial disclosure. In the event that the Company's financial disclosures are consistent with the results of the audit then the City will pay all of the reasonable and necessary expenses incurred in connection with conducting the audit. Within thirty

Orders-Finance

030-18. ORDERED THAT: The City of Fitchburg accepts a deed in lieu of foreclosure for municipal charges and taxes for the real property located at 116-118 Day Street.

City of Fitchburg

FITCHBURG CITY CLERK

In City Council,

2018 FEB 15 AM 11:49

ORDERED:-- That

Whereas on March 17, 2017, Calvin D. Brooks, Collector of Taxes of the City of Fitchburg, did execute a taking for municipal charges and real property taxes for Fiscal Year 2016 in the amount of \$56,609.25 on a certain parcel of land on 116 Day Street, Fitchburg, MA 01420, described as Map 32, Block 3, Lot 0, from the owner of record, Jorge L. Jimenez, which taking was recorded with the North Worcester District Registry of Deeds in Book 8790, Page 73; and

Whereas on November 10, 2016, The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of CWABS, Inc., Asset-Backed Certificates, Series 2005-AB2 did record a Foreclosure Deed as current holders of a mortgage from Jorge L. Jimenez, with the North Worcester District Registry of Deeds in Book 8697, Page 332; and

Whereas such taxes, together with the interest, penalties and taxes assessed for Fiscal Years 2017 and 2018 remain due and owing in the amount of at least \$65,159.38 but are unpaid; and

Whereas it is the intention of the owner of record, The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of CWABS, Inc., Asset-Backed Certificates, Series 2005-AB2, to grant the said premises to the City of Fitchburg in lieu of taxes and foreclosure pursuant to M.G.L. c. 60 Section 77C; and

Whereas it is the intention of the City of Fitchburg to accept the said premises in lieu of taxes and foreclosure pursuant to M.G.L. c. 60 Section 77C, subject only to municipal liens; and

Whereas it is the intention of The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of CWABS, Inc., Asset-Backed Certificates, Series 2005-AB2, to execute a quitclaim deed granting to City of Fitchburg ownership to the property at 116-118 Day Street, Fitchburg, MA 01420, to be recorded at Worcester North Registry of Deeds.

NOW, THEREFORE, City Council of City of Fitchburg does hereby order and affirm that the aforementioned parcel be and hereby is accepted in lieu of foreclosure pursuant to M.G.L. Chapter 60, section 77C, and that upon approval of the Mayor, the City Solicitor be authorized to sign any affidavit necessary pursuant to M.G.L. Chapter 183, section 5B, to clarify title of the same, and that the Mayor may take any other action appropriate, necessary or convenient to accomplish the same.

City of Fitchburg,

February 20, 2018

Orders-Finance

VINCENT P. PUSATERI, II

CITY SOLICITOR

128 PRICHARD STREET

FITCHBURG, MA 01420

TELEPHONE: (978) 342-6081

FAX: (978) 343-0600

EMAIL: vpusateri@pusaterilaw.com



CHRISTINE M. TREE

ASSISTANT CITY SOLICITOR

128 PRICHARD STREET

FITCHBURG, MA 01420

TELEPHONE: (978) 342-6081

FAX: (978) 343-0600

EMAIL: ctreet@pusaterilaw.com

LAW DEPARTMENT OF THE CITY OF FITCHBURG

February 15, 2018

Mayor Stephen L. DiNatale
166 Boulder Drive
Fitchburg Ma 01420

RE: 116-118 Day Street, Deed in Lieu of Foreclosure for Taxes

Dear Mayor DiNatale:

It appearing to be in the best interests of the City of Fitchburg, kindly allow me to instruct the auditor to draft an order accepting a deed in lieu of foreclosure for municipal charges and taxes for the real property located at 116-118 Day Street in Fitchburg, pursuant to allowed Petition 17-224.

- Should you have any questions please do not hesitate to let me know.

Very truly yours,

Vincent P. Pusateri II, Esq.

VPP/cmt
Enclosures

Cc: Anna Farrell, City Clerk
Calvin Brooks, Auditor

Orders-Finance

QUITCLAIM DEED

Property Address: 116-118 Day Street, Fitchburg, Massachusetts 01420

Whereas on March 17, 2017, Calvin D. Brooks, Collector of Taxes of the City of Fitchburg, did execute a taking for municipal charges and real property taxes for Fiscal Year 2016 in the amount of \$56,609.25 on a certain parcel of land on 116 Day Street, Fitchburg, MA 01420, described as Map 32, Block 3, Lot 0, from the owner of record, Jorge L. Jimenez, which taking was recorded with the North Worcester District Registry of Deeds in Book 8790, Page 73; and

Whereas on November 10, 2016, The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of CWABS, Inc., Asset-Backed Certificates, Series 2005-AB2 did record a Foreclosure Deed as current holders of a mortgage from Jorge L. Jimenez, with the North Worcester District Registry of Deeds in Book 8697, Page 332; and

Whereas such taxes, together with the interest, penalties and taxes assessed for Fiscal Years 2017 and 2018 remain due and owing in the amount of at least \$65,159.38 but are unpaid; and

Whereas it is the intention of the owner of record, The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of CWABS, Inc., Asset-Backed Certificates, Series 2005-AB2, to grant the said premises to the City of Fitchburg in lieu of taxes and foreclosure pursuant to M.G.L. c. 60 Section 77C; and

Whereas it is the intention of the City of Fitchburg to accept the said premises in lieu of taxes and foreclosure pursuant to M.G.L. c. 60 Section 77C, subject only to municipal liens,

NOW, THEREFORE, ~~The Bank of New York Mellon fka The Bank of New York as Trustee for the Certificateholders of CWABS, Inc., Asset-Backed Certificates, Series 2005-AB2,~~ having its usual place of business at c/o New Penn Financial, LLC d/b/a Shellpoint Mortgage Servicing, 55 Beattie Place, Suite 100, Greenville, SC 29601-2743 ("Grantor"), in lieu of foreclosure for municipal charges and taxes owed, grants to the **CITY OF FITCHBURG**, a City of the Commonwealth of Massachusetts, whose mailing address is 166 Boulder Drive, Fitchburg, MA 01420 ("Grantee"), with **QUITCLAIM COVENANTS**, certain property more particularly described on Exhibit A attached hereto, incorporated herein and made a part hereof (the "Premises").

The Premises are conveyed subject to and with the benefit of all easements, rights, and other encumbrances of record, if any, insofar as the same are now in force and applicable.

The sale of this property does not constitute all or substantially all of the assets of Grantor.

For Grantor's title, see Foreclosure Deed dated October 5, 2016 and recorded with the North Worcester Registry of Deeds on November 10, 2016 at Book 8697, Page 332.

City of Fitchburg,

February 20, 2018

Orders-Finance

IN WITNESS WHEREOF, Grantor has caused this Deed to be executed as of the date and year first above written.

**THE BANK OF NEW YORK MELLON FKA THE
BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS, INC.,
ASSET-BACKED CERTIFICATES, SERIES 2005-
AB2, by New Penn Financial, LLC d/b/a Shellpoint
Mortgage Servicers, its Attorney-in-Fact**

By: _____

Name: _____

Title: _____

STATE OF _____

SS: _____

COUNTY OF _____

On this ____ day of _____, 2018, before me the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument, that it was signed voluntarily for its stated purpose and as the Free act and Deed of the party signing the document, and that such individual made such appearance before the undersigned in the Commonwealth of Massachusetts, County of Suffolk.

NOTARY SEAL

Notary Public

Printed Name: _____

My commission expires: _____

Orders-Finance

EXHIBIT A

LEGAL DESCRIPTION

The following described real property lying and being in the City of Fitchburg, County of Worcester, State of Massachusetts to wit:

A certain lot of land, including the buildings thereon, situated in Fitchburg, being Lot #3 on a plan of lots of Margaret P. Snow, recorded with the Worcester Northern District Registry of Deeds in Book 38, Page 657 and bounded as follows:

Beginning at the Southeasterly corner thereof at a stone bound at the Westerly line of Day Street and land now or formerly of Frank H. Snow;

THENCE, North 60° West, by land of said Snow and land now or formerly of one Sanderson, 99.97 feet to a bound at the Sanderson land;

THENCE, North 30° East, by said Sanderson land and land now or formerly of one Seidel, 50 feet to a bound;

THENCE, South 60° East, by Lot #6 on said plan, 99.95 feet to a stone bound at the Westerly line of said Day Street;

THENCE, South 30° West, by the line of said Day Street, 50 feet to the place of the beginning.

City of Fitchburg,

February 20, 2018

Ordinances

ORDINANCES

The following Ordinance was referred to the Planning board for a public hearing to be held on March 13, 2018 and to a City - Council public hearing to be held on April 3, 2018 by unanimous vote. 10 members present. Board consists of 11 members.



**CITY OF FITCHBURG
PLANNING BOARD**

166 BOULDER DRIVE
FITCHBURG, MASSACHUSETTS 01420

(978) 829-1891
PHONE

(978) 829-1965
FAX

DATE: February 15, 2018

TO: City Council
City Clerk

FROM: Paula Caron, Chair 
Fitchburg Planning Board

SUBJECT: Zoning Ordinance Amendment

2018 FEB 15 AM 9:42
FITCHBURG CITY CLERK

At its February 13, 2018 meeting the Fitchburg Planning Board voted unanimously to submit the attached Zoning Ordinance amendments regarding Non-Medical Marijuana. These amendments are being submitted by the Planning Board per MGL Ch. 40A, section 5.

cc: Planning Board members

- 031-18. AN ORDINANCE:
1. To add a new section 181.65, Marijuana Establishments, to regulate non-medical marijuana as outlined in the enclosed Ordinance.
 2. To amend the definitions of RMD, MMD and MMM in Section 181.10 to remove a requirement that the operator be a non-profit entity as follows.
 3. To add the following Section Regulating signs.
 4. to amend the requirements for site plan review by amending Section 181.9414 as follows.
 5. To amend the prohibited home occupations by adding the following to Section 181.333 (Prohibited Home Occupations)

CITY OF FITCHBURG

IN THE YEAR

FITCHBURG CITY CLERK

2018 FEB 15 AM 9:32

AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

CITY OF FITCHBURG ORDINANCE NO. 18-012
AN ORDINANCE TO AMEND THE ZONING ORDINANCE TO ADD SECTION 181.65 - MARIJUANA ESTABLISHMENTS TO THE CITY OF FITCHBURG

Section 181.65 - MARIJUANA ESTABLISHMENTS

181.651 Regulation. G.L. c. 94G authorizes a system of state licensing for businesses engaging in the cultivation, testing, processing and manufacturing, and retail sales of non-medical marijuana, collectively referred to as Marijuana Establishments (MEs). G.L. c. 94G §3 allows cities to adopt ordinances that impose reasonable safeguards on the operation of non-medical marijuana establishments, provided they are not unreasonably impracticable and are not in conflict with the law. The special permit and site plan review requirements set forth in this Section shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law.

181.652 Purpose. The purpose of this ordinance is to allow state-licensed MEs to exist in the City of Fitchburg in accordance with applicable state laws and regulations and impose reasonable safeguards to govern the time, place and manner of ME operations and any business dealing in Marijuana Accessories in such a way as to ensure public health, safety, well-being, and reduce undue impacts on the natural environment as it relates to cultivation, processing and manufacturing subject to the provisions of this Zoning Ordinance, M.G.L. c. 40A, M.G.L. c. 94G and any other applicable law. Therefore, this ordinance may permit MEs in locations suitable for lawful MEs where there is access to regional roadways, where they may be readily monitored by law enforcement for health and public safety purposes, and to minimize adverse impacts on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, operation security, and removal of MEs.

This Section is intended to coexist with the existing Section 181.64 regarding MMDs and MMMs.

181.653 Definitions. Where not expressly defined in the Zoning Ordinance, terms used in this Zoning Ordinance referring to non-medical use marijuana shall be interpreted as defined in G.L. c. 94G, as the same may be amended from time to time, and regulations issued by the Cannabis Control Commission (CCC). The following definitions, consistent with this expressed intent, shall apply in the interpretation and enforcement of this section:

1. "Marijuana Products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for non-medical use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.
2. "Marijuana Establishment" (ME), a Marijuana Cultivator, Independent testing laboratory, Marijuana Product Manufacturer, Marijuana Retailer or any other type of licensed non-medical marijuana-related business.

3. "Marijuana Cultivator" (MC), an entity licensed to cultivate, process and package non-medical marijuana, to deliver non-medical marijuana to ME's and to transfer marijuana to other ME's, but not to consumers. A Craft Marijuana Cultivator Cooperative performing a similar function shall be included within the definition of a MC.
4. "Marijuana Product Manufacturer" (MPM), an entity licensed to obtain, manufacture, process and package non-medical marijuana and marijuana products, to deliver non-medical marijuana and marijuana products to ME's and to transfer non-medical marijuana and marijuana products to other ME's, but not to consumers. A Craft Marijuana Cultivator Cooperative performing a similar function shall be included within the definition of a MPM.
5. "Marijuana Retailer" (MR), an entity licensed to purchase and deliver non-medical marijuana and marijuana products from ME's and to deliver, sell or otherwise transfer non-medical marijuana and marijuana products to ME's and to consumers.
6. "Independent testing laboratory", a laboratory that is licensed by the CCC and is:
 - (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the CCC; (ii) independent financially from any medical marijuana treatment center or any licensee or ME for which it conducts a test; and (iii) qualified to test marijuana in compliance with regulations promulgated by the CCC pursuant to G.L. c. 94G.
7. "Experienced Operator," any MMD or MMM facilities, as defined by Section 181.64 of the Zoning Ordinance, having already received a special permit and site plan review approval by the City, prior to the passage of Section 181.65 of this Ordinance, which remain in good standing without violation of any ordinance, statute, or condition of their special permit.
8. "Moral Character" means the degree to which a person's history demonstrates honesty, fairness and respect for the rights of others and for conformance to the law, which may include consideration of whether an individual has:
 - a. Ever had a professional license denied, suspended or revoked;
 - b. Ever had a business license denied, suspended or revoked;
 - c. Ever had a marijuana-related business license denied, suspended, revoked, or placed on administrative hold, or was subjected to a fine for violation of a marijuana-related zoning ordinance;
 - d. Ever had a business temporarily or permanently closed for failure to comply with any tax, health, building, fire, zoning or safety law;
 - e. Ever had an administrative, civil or criminal finding of delinquency for failure to file or failure to pay employment, sales, property or use taxes;
 - f. Ever been convicted of a felony, sex offense, or other offense involving violence, distribution of controlled substances, excluding marijuana-related possession offenses, or other moral turpitude;
 - g. Within the previous sixty months been convicted of a misdemeanor or other offense involving the distribution of controlled substances, or driving under the influence of alcohol or other substance (DUI, OUI) convictions

Ordinances

181.654 Prohibitions and Limitations.

181.6541 It shall be unlawful for any person to operate a ME without obtaining a special permit and undergoing site plan approval pursuant to the requirements of this Ordinance, except as provided for an Experienced Operator.

181.6542 An Experienced Operator may operate a ME of the same type as the medical marijuana facility for which they have been granted a special permit and approved site plan review by the City without obtaining a new special permit, provided that the Experienced Operator must receive site plan approval for the new use as a ME, that the ME is located in the same facility for which the Experienced Operator received the prior special permit and site plan approval, and that the gross square footage of such facility is not increased by more than ten (10%) percent.

181.6543 A separate special permit is required for each different ME detailed in section 181.653, above, or in the case of an Experienced Operator, a separate site plan review.

181.6544 As defined in G.L. c. 94G, and as established in Section _____ of the Fitchburg City Code, the number of MRs shall be limited to no more than 20% of the number of licenses issued within the city for the retail sale of alcoholic beverages not to be drunk on the premises where sold under G.L. c. 138, §15. No special permit may be granted for a MR which results in a violation of this limit.

181.6545 A ME may only be involved in the use permitted by its definition. MRs may only be located in buildings containing other retail, commercial, residential, industrial, or any other uses, including other types of MEs, if the MR is separated by full walls from any and all other uses.

181.6546 MRs may be permitted under special permit by the Planning Board in the MMOD District. Independent Testing Facilities may be permitted under special permit by the Planning Board in the Industrial (I), Light Industrial (LI), Central Business (CBD) and Commercial & Automotive (C&A) Zoning Districts. On-site or social consumption, so called, is prohibited as a use. All other MEs may be permitted under special permit by the Planning Board in the Industrial and Light Industrial Zoning Districts.

181.6547 MEs shall be prohibited as an Accessory Use or Home Occupation in all zoning districts. No ME shall be permitted to have drive-up or walk-up facilities as described in Section 181.3246 of this Zoning Ordinance.

181.6548 No marijuana or Marijuana Product shall be smoked, eaten, ingested, consumed or otherwise used within the premises of any ME.

181.6549 No ME may be operated in a mobile facility or outside of a fully enclosed building or structure, excepting deliveries to off-site MRs and home deliveries to consumers permitted or licensed by applicable state and local regulations.

181.65410 No ME may be operated in such a manner as to cause or create a public nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

181.65411 The issuance of a special permit and site plan review pursuant to this chapter does not create an exception, defense, or immunity to any person or entity in regard to any potential criminal liability the person or entity may have for the production, distribution, or possession of marijuana.

181.655 Application. In addition to the materials required under Section 181.93 (Special Permits) and Section 181.94 (Site Plan Review) of this Ordinance, the applicant shall submit the following:

1. All materials required under Section 181.645 of this Zoning Ordinance for an MMD or MMM facility, with the exceptions that any reference within Section 181.645 to the Department of Public Health or regulations issued thereby shall be interpreted to refer to the CCC and its regulations, or any other state regulation or statute applicable to the ME.
2. Proof of approval from the Commonwealth of Massachusetts for the proposed ME by submitting copies of all required registrations, licenses and permits issued to the applicant by the state and any of its agencies for the proposed ME.
3. The name, address, email address, and phone number of all designated Managers of the ME, together with a criminal background check of such Managers and other evidence of Moral Character.
4. Proof that the detailed security plan, operation and management plan, and emergency response plans have been submitted to the Fitchburg Police Department and the Department of Planning and Community Development for comment and review at the same time or prior to the submission of the application, and any comment or response received by the applicant.
5. Proof that the applicant provided notification in writing at the same time or prior to the submission of the application to all property owners and operators of the uses listed under 181.656(5) within three hundred (300) feet of its proposed location and use, to provide them with the opportunity to comment to the Planning Board, as well as any and all comment or response received by the applicant.
6. Evidence demonstrating that the ME will be operated in a responsible manner that does not materially adversely affect the public health, safety or the general welfare of the City or the immediate neighborhood where the ME is located. This may include but shall not be limited to evidence of Moral Character.

181.6551 Upon receipt of a completed application, the Planning Board shall refer copies of the application to the Building Department, Fire Department, Police Department, City Council, Board of Health, Conservation Commission, and the Engineering Division of the Department of Public Works. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 60 days of referral of the application shall be deemed lack of opposition.

181.6552 After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other municipal boards and departments, the Planning Board may act upon the application for special permit and approval of site plan.

181.6553 In instances where any portion of a project involves a special permit application to or site plan review by the Planning Board for any ME, the Planning Board shall

Ordinances

serve as the special permit granting authority for all other special permits required in connection with such project.

181.656 Special Permit Criteria and Findings

A MR, MC, MPM or Independent Testing Facility may be permitted pursuant to a Special Permit and Site Plan Review granted by the Planning Board. In granting a special permit for a MR, MC, MPM or Independent Testing Facility, in addition to the general criteria for a special permit in Section 181.93 of the Zoning Ordinance, the Planning Board must also make the following findings:

1. If the special permit is for a MR, that the MR is located in the MMDO; or if the special permit is for an Independent Testing Facility, that the Independent Testing Facility is located in the Industrial (I), Light Industrial (LI), Central Business (CBD) and Commercial & Automotive (C&A) Zoning District; or if the special permit is for any other ME, that the ME is located in the Industrial or Light Industrial zoning districts in accordance with 181.313 of the Table of Principle Uses.
2. The applicant has demonstrated that the ME has or will meet all of the permitting requirements of all applicable agencies within the Commonwealth and is or will be in compliance with all applicable state laws and regulations, including, but not limited to G.L. c. 94G, §12 General Marijuana Establishment Operation.
3. The applicant has entered into an approved Host Community Agreement under which the applicant pays a host fee or Impact Fee to the City with the Mayor of the City of Fitchburg.
4. The grant of the special permit will not exceed the limitation on permitted MRs set forth in Section 181.6544.
5. The ME is located at least three hundred (300) feet distant of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, a vocational school, a public or private college, junior college, university or dormitory, a licensed child care facility, a library, a playground, a public park, a youth center, a public swimming pool, a video arcade facility, any facility in which minors commonly congregate, or any residence, including commercial residences such as hotels, motels, lodging houses, etc. The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses to the nearest point of the structure of the proposed ME.
 - a. The distance requirement may be reduced by the Planning Board provided that the ME will employ adequate measures to prevent product diversion to minors, and the Planning Board determines that a shorter distance, adequately buffered, will suffice to accomplish the objectives set forth under 181.65
6. The applicant has satisfied all of the conditions and requirements of this section and other applicable sections of the Zoning Ordinance and any applicable city ordinances.
7. The facility provides adequate security measures to ensure that there are not direct threats to the health or safety of employees, staff, or members of the public and that storage and location of cultivation is adequately secured.
8. The facility meets all criteria required for a Special Permit for an MMD or MMM under Section 181.645 of this Zoning Ordinance, with the exceptions that

- a. Any reference within Section 181.645 to the Department of Public Health or regulations issued thereby shall be interpreted to refer to the CCC and its regulations, or any other state regulation or statute applicable to the ME; and
 - b. Location in an area which does not have reasonable access to medical marijuana pursuant to Section 181.644(a) shall not be required.
9. The applicant has demonstrated, by substantial evidence of Moral Character and other evidence, that it will operate the ME in conformity with all applicable municipal ordinances, state laws and regulations and that its policies and procedures are designed to prevent violation of such laws, particularly including but not limited to Section 181.654 above.

181.657 Site Plan Review/Special Permit Conditions

The Planning Board shall conduct site plan review and shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's ME, the following conditions shall be included in any site plan review or special permit granted under this Ordinance:

1. All conditions applicable to MMDs and MMMs under Section 181.646 of this Zoning Ordinance shall be applied to an ME, with the exceptions that
 - a. Any reference within Section 181.646 to the Department of Public Health or regulations issued thereby shall be interpreted to refer to the CCC and its regulations, or any other state regulation or statute applicable to the ME;
 - b. Hours of operation shall be set forth within the special permit, and shall generally be consistent with those for package stores licensed under G.L. c. 138.
 - c. The provisions regarding signage contained in Section 181.646(f) and (g) shall not be included; and
 - d. The provisions revoking a special permit for cultivation or dispensing of marijuana for non-medical purposes in Section 181.646(p) shall not be applicable.
2. All business signage shall be subject to the requirements to be promulgated by the CCC and the requirements of Section 181.53 of this Zoning Ordinance.
3. The ME shall not violate any provision of the Zoning Ordinance, including but not limited to Section 181.654 above.
4. Display of marijuana, Marijuana Products and Marijuana Accessories shall be limited to an area which is accessible only by persons aged twenty-one (21) years or older, and the applicant shall establish such controls and monitoring as are necessary to ensure that this area is not accessed by persons under the age of twenty-one (21) years.
5. The ME shall regularly verify to the City its efforts to ensure the health, safety, and well-being of the public, and to limit undue impacts on the natural environment, by the use of high efficiency equipment to limit energy and water usage demand, by the purchase of renewable energy credits, by the use of LED lighting equipment, by the prohibition or limitation of pesticides, insecticides and similar chemicals, and by any other methods designed to further this purpose.
6. ME shall be operated in a responsible manner that does not materially adversely affect the public health, safety or the general welfare of the City or the immediate neighborhood where the ME is located.

Ordinances

7. The applicant has entered into an approved Host Community Agreement under which the applicant pays a host fee or Impact Fee to the City with the Mayor of the City of Fitchburg.

181.658 Termination and Modification

181.6581 A special permit or site plan approval may be terminated due to violation of any of its conditions. In addition, a special permit or site plan approval shall terminate upon:

1. Failure of the permit holder to commence operations at the ME within twelve (12) months of the date of approval; or
2. Transfer of ownership of the ME without approval of the Planning Board. For these purposes, transfer of ownership shall include any reallocation of ownership or change in business structure which results in a change of its designated representatives or responsible individuals; or
3. Termination of the Host Community Agreement or failure to pay a host fee or Impact Fee under the Agreement to the City.

181.6582 A special permit or site plan approval may be modified by the Planning Board after public hearing. No modification is permitted for a change of location; a special permit holder must submit a new application for a change in location. Any changes in the application materials from the original materials must be submitted with a request for modification. No transfer of ownership, except a transfer to an affiliated entity, shall be permitted for two years after the date of approval of the special permit or site plan review unless required due to the death or disability of an owner. If the special permit holder requests approval of a transfer of ownership, then the holder must submit proof:

1. That the new owner will operate the ME in accordance with the terms of the special permit, as shown by evidence of Moral Character and other substantial evidence; and
2. That all amounts due under the Host Community Agreement have been timely paid and no taxes, fines, penalties, fees, or other charges due to the City are currently unpaid.

181.659 Severability. The provisions of this Ordinance are severable. If any provision, paragraph, sentence, or clause of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

(2) TO AMEND THE DEFINITIONS OF RMD, MMD AND MMM IN SECTION 181.10 TO REMOVE A REQUIREMENT THAT THE OPERATOR BE A NON-PROFIT ENTITY, AS FOLLOWS:

181.10 REGISTERED MARIJUANA DISPENSARY (RMD) – Also known as a Medical Marijuana Treatment Center, is an establishment approved and licensed by the Massachusetts Department of Public Health (MDPH) pursuant to 105 CMR 725.000, owned and operated by an **entity** registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as marijuana-infused products (“MIPs”), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. A RMD shall not be eligible as a “non-exempt agricultural use” or as a “non-exempt educational use” and shall only be permitted as allowed in accordance with City of Fitchburg Zoning Ordinance. Further, the following definitions shall apply for the purposes of distinguishing the permitting and regulation of RMD dispensing uses from RMD cultivation uses within this Ordinance:

a) **Medical Marijuana Dispensary (MMD) facility** – A Registered Marijuana Dispensary that is located off-site from the cultivation/processing facility (and controlled and operated by the same registered and approved **entity** which operates an affiliated RMD) but which serves only to dispense the processed marijuana, related supplies and educational materials to registered Qualifying Patients or their personal caregivers in accordance with the provisions of MDPH regulations 105 CMR 725.000.

b) **Medical Marijuana Manufacturing (MMM) facility** – A Registered Marijuana Dispensary that is located off-site from the dispensing facility (and controlled and operated by the same registered and approved **entity** which operates an affiliated RMD) but which serves only to cultivate and process marijuana, and marijuana infused products in accordance with the provisions of MDPH regulations 105 CMR 725.000.

(3) TO ADD THE FOLLOWING SECTION REGULATING SIGNS:

Add 181.5364

181.5364 Signs for Marijuana Establishments

All signs for Marijuana Establishments shall be in conformity with the provisions of G.L. c. 94G and all applicable federal, state and local regulations, including regulations issued by the Cannabis Control Commission. Temporary and promotional signage for Marijuana Establishments are prohibited.

Ordinances

(4) TO AMEND THE REQUIREMENTS FOR SITE PLAN REVIEW BY AMENDING SECTION 181.9414 AS FOLLOWS:

181.9414. Siting, construction or expansion of a Registered Marijuana Dispensary (RMD) or Marijuana Establishment (ME).

TO AMEND THE TABLE OF PRINCIPAL USES BY ADDING SECTIONS 181.313D(15), (16) AND (17) and 181.313D(28) AS FOLLOWS:

- D15. All Marijuana Establishments (ME), except for Marijuana Retailers (MR). Update chart with SP FOR LI, and I zones by Planning Board (N for all other zoning districts).
- D16. Marijuana Retailers (MR). Update chart with SP FOR MMOD (N for all other zoning districts).
- D17. Independent Testing Laboratory. Update chart with SP in the I, LI, CBD and C&A zoning districts (N for all other districts).
- C28. Marijuana Social Consumption Establishment, N for all zoning districts.

(5) TO AMEND THE PROHIBITED HOME OCCUPATIONS BY ADDING THE FOLLOWING TO SECTION 181.333:

181.333 Prohibited Home Occupations:

- Marijuana Establishment (ME) or similar facility
- Registered Marijuana Dispensary (RMD) or similar facility

City of Fitchburg,

February 20, 2018

Ordinances

The following Ordinances were referred to the Council as a Whole Committee:

032-18. AN ORDINANCE: Amending Chapter 56 of the City Code by adding a new Section 56-5, "Local Marijuana Sales Tax Rate" as outlined in the enclosed Ordinance.

CITY OF FITCHBURG

IN THE YEAR

2018 FEB 14 AM 11:46
FITCHBURG CITY CLERK

AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

That Chapter 56 of the City Code, entitled "Alcoholic Beverages", shall be amended by adding a new Section 56-5, as follows:

"56-5 LOCAL MARIJUANA SALES TAX RATE

The local sales tax rate on the sales of marijuana or marijuana products, as permitted by G.L. c. 64N, §3, shall be three (3%) percent."

FOR REASON SAYS, in order to regulate the lawful cultivation, production, sale and consumption of non-medical marijuana for the public health, safety and welfare as the same may be permitted by G.L. c. 94G.

Ordinances

033-18. AN ORDINANCE: Amending chapter 56 of the City Code, entitled "Alcoholic Beverages", shall be amended by changing the title to "Alcoholic Beverages and Marijuana" as outlined in the enclosed Ordinance.

CITY OF FITCHBURG

IN THE YEAR

FITCHBURG CITY CLERK

2018 FEB 14 AM 11:45

AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

That Chapter 56 of the City Code, entitled "Alcoholic Beverages", shall be amended by changing the title to "Alcoholic Beverages and Marijuana".

AND

That Section 56-1 of the City Code, entitled "Consumption and Possession," shall be amended by changing the title to "Public Consumption and Possession"; and by adding the following sentence before the first sentence of the section "No person shall smoke, eat, consume, or ingest in any way marijuana, as defined by G.L. c. 94G, §1(g) and G.L. c. 94C, §1, as the same may be amended, while in a public area."; and by striking the words "beverages, while" and inserting in their place the words "beverages while in a public area. For the purposes of this section, the term "public area" shall include any location". The amended ordinance shall read as follows:

"§56-1 PUBLIC CONSUMPTION AND POSSESSION"

No person shall smoke, eat, consume, or ingest in any way marijuana, as defined by G.L. c. 94G, §1(g) and G.L. c. 94C, §1, as the same may be amended, while in a public area. Unless in an area licensed by the Board of License Commissioners, no person shall drink any alcoholic beverage as defined in M.G.L. c. 138, § 1, or possess an opened container full or partially full of any alcoholic beverages while in a public area. For the purposes of this section, the term "public area" shall include any location on, in or upon any public way, upon any way to which the public has right of access, in any place to which members of the public have access as invitees or licensees, in any park or playground, conservation area or recreation area or on private land or place without consent of the owner or person in control thereof."

FOR REASON SAYS, in order to regulate the lawful cultivation, production, sale and consumption of non-medical marijuana for the public health, safety and welfare as the same may be permitted by G.L. c. 94G.

034-18. AN ORDINANCE: Amending Chapter 56 of the City Code by adding a new Section 56-3, "Marijuana Retailers" as outlined in the enclosed Ordinance.

CITY OF FITCHBURG

IN THE YEAR

2018 FEB 14 AM 11:46

2018 FEB 14 AM 11:46

AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

That Chapter 56 of the City Code, entitled "Alcoholic Beverages", shall be amended by adding a new Section 56-3, as follows:

"§56-3 MARIJUANA RETAILERS

As defined and established in Section 181.65 of the Fitchburg City Code, the total number of Marijuana Retailers (MR's) for which a special permit or license may be granted by the City or any board, department or division thereof shall be limited to no more than 20% of the number of licenses issued within the city for the retail sale of alcoholic beverages not to be drunk on the premises where sold under G.L. c. 138, §15. No special permit or license may be granted for a MR which results in a violation of this limit."

FOR REASON SAYS, in order to regulate the lawful cultivation, production, sale and consumption of non-medical marijuana for the public health, safety and welfare as the same may be permitted by G.L. c. 94G.

Ordinances

035-18. AN ORDINANCE: Amending Chapter 56 of the City Code by adding a new Section 56-4, "Social Marijuana Consumption" as outlined in the enclosed Ordinance.

CITY OF FITCHBURG

IN THE YEAR

FITCHBURG CITY CLERK

2018 FEB 14 AM 11:46

AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

That Chapter 56 of the City Code, entitled "Alcoholic Beverages", shall be amended by adding a new Section 56-4, as follows:

"§56-4 SOCIAL MARIJUANA CONSUMPTION

On-site or social consumption of marijuana, as defined by G.L. c. 94G, §1(g) and G.L. c. 94C, §1, as the same may be amended, at any Marijuana Establishment (ME) as defined in Section 181.65, or any Registered Marijuana Dispensary (RMD) as defined in Section 181.10 herein, is hereby prohibited unless approved through citizen initiative ballot vote as set forth in G.L. c. 94G §3(b)."

FOR REASON SAYS, in order to regulate the lawful cultivation, production, sale and consumption of non-medical marijuana for the public health, safety and welfare as the same may be permitted by G.L. c. 94G.

City of Fitchburg,

February 20, 2018

Ordinances

036-18. AN ORDINANCE: Amending Section 132-63 of the City Code by inserting the following Paragraph defining the term "marijuana" after the definition of the word "drug" in the existing Ordinance as outlined in the enclosed Ordinance.

CITY OF FITCHBURG

IN THE YEAR

2018 FEB 14 AM 11:40
FITCHBURG CITY CLERK

AN ORDINANCE

Be it ordained by the City Council of the City of Fitchburg, as follows:

That Section 132-63 of the City Code, entitled "Definitions", shall be amended by inserting the following paragraph defining the term "marijuana" after the definition of the word "drug" in the existing ordinance:

"MARIJUANA

The substance defined as marijuana in M.G.L. c. 94G, §1(g) and G.L. c. 94C, §1, as the same may be amended from time to time."

FOR REASON SAYS, in order to regulate the lawful cultivation, production, sale and consumption of non-medical marijuana for the public health, safety and welfare as the same may be permitted by G.L. c. 94G.

Ordinances 2018

037-18. AN ORDINANCE: That Paragraph A of Section 132-64 of the City Code, entitled "Prohibited Acts", shall be amended by inserting the words, "drugs, marijuana," after the words "any other private or public property where"; by inserting the words "drugs, marijuana," after the words "an underage person will or does consume any"; by inserting the words "drugs, marijuana," before the words "alcohol or alcoholic beverage with the intent to consume it" As outlined in the enclosed Ordinance.

CITY OF FITCHBURG

IN THE YEAR

FITCHBURG CITY CLERK
2018 FEB 14 AM 9:09**AN ORDINANCE**

Be it ordained by the City Council of the City of Fitchburg, as follows:

That Paragraph A of Section 132-64 of the City Code, entitled "Prohibited Acts", shall be amended by inserting the words, "drugs, marijuana," after the words "any other private or public property where"; by inserting the words "drugs, marijuana," after the words "an underage person will or does consume any"; by inserting the words "drugs, marijuana," before the words "alcohol or alcoholic beverage with the intent to consume it". The amended ordinance shall read as follows:

"§132-64 Prohibited Acts

A. It is unlawful for any person to host or allow an event or gathering at any residence or premises or on any other private or public property where drugs, marijuana, alcohol or alcoholic beverages are present, when the person knows or reasonably should know that an underage person will or does consume any drugs, marijuana, alcohol or alcoholic beverage, or possess any drugs, marijuana, alcohol or alcoholic beverage with the intent to consume it, and the person fails to take reasonable steps to prevent possession or consumption by the underage person.

B. A person shall be deemed in violation of this article if the person intentionally aides, advises, hires, counsels or conspires with or otherwise procures another to commit the prohibited act.

C. A person who hosts an event or gathering does not have to be physically present at the event or gathering to be found responsible."

FOR REASON SAYS, in order to regulate the lawful cultivation, production, sale and consumption of non-medical marijuana for the public health, safety and welfare as the same may be permitted by G.L. c. 94G.

City of Fitchburg,

February 20, 2018

Petitions

PETITIONS

The following Petition was referred to the City Property Committee, Planning Board, Public Works Committee:

- 038-18. Councillor Paul Beauchemin and City Solicitor Vincent Pusateri petitions the Council to ensure that property located at 150 Legros Street be provided access via public ways. The City will be required to cause a survey, obtain an appraisal, and perform a taking by eminent domain in order to correct the problem.

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

FITCHBURG CITY
2018 FEB 15 AM 9:22

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to

Now comes Councilor Paul Beauchemin and City Solicitor Vincent Pusateri and petitions this Honorable Body to authorize any and all action necessary to ensure that the property located at 150 Legros Street, Fitchburg, Massachusetts be provided access via public ways.

For reasons says, a portion of Shea Street was abandoned and then deemed as excess property. Shea Street was thereby purchased by a private individual. The portion of Shea Street that was purchased by said individual is necessary to provide access to 150 Legros Street, Fitchburg, MA.

For further reasons says, it appears that the City will be required to cause a survey, obtain an appraisal, perform a taking by eminent domain in order to correct the problem.

Paul R Beauchemin

Petitions

The following Petition was referred to the Public Safety Committee:

039-18. Officer Leroy Jackson, to remove the last 2 metered parking spots on Easterly side of Wallace Ave. @ Elm Street and replace with a new "Loading Zone" for the off-loading of passengers using the Senior Center, particularly Elderly and Handicapped.

TO THE HONORABLE CITY COUNCIL OF THE CITY OF FITCHBURG

Ladies and Gentlemen:

The undersigned Petition your Honorable Body to

Request as follows: Due to the direction of one-way streets, there is no safe place for vans or buses to drop off passengers at Senior Center, especially elderly and handicapped. Can the last two parking spaces on Wallace Ave at Elm St, adjacent to Monument Park, be eliminated and designated as a bus stop?

With removal of the last Parking Meter on the Easterly side of Wallace Ave at Elm St. this would free up two parking spots for the proposed new Loading Zone on the Easterly side of Wallace Ave. where it intersects at Elm St. This new Loading Zone should be properly marked in a way to allow vehicles to see oncoming traffic, traveling from an Easterly to Westerly direction. (One Way). Establishment of new loading zone on the easterly side of the roadway would allow off-loading of passengers onto a sidewalk, "Safe Zone". This would enable passengers from these vehicles to cross at the cross walk with proper curb cuts already installed on the sidewalk it services.

Officer Jackson 02-07-2018

Fitchburg Police Department Traffic Bureau

2018 FEB 14 AM 9:38
FITCHBURG CITY CLERK

City of Fitchburg, February 20, 2018



ERNEST F. MARTINEAU
CHIEF OF POLICE

CITY OF FITCHBURG POLICE DEPARTMENT

20 Elm Street
Fitchburg, Massachusetts 01420-3204
www.fitchburgpolice.com

DEPARTMENT / OPERATIONS
978-345-4355
FAX: 978-345-4088

DETECTIVE BUREAU
978-345-9650

RECORDS BUREAU
978-345-9643
FAX: 978-342-7608

CHIEF OF POLICE
978-345-9656

Petitions

MEMORANDUM

TO: Honorable Fitchburg City Council
FPD Number: 18-3383-OF
ATTN: Honorable Mayor, City of Fitchburg
City Clerk, City of Fitchburg
Commissioner of Public Works, City of Fitchburg
FROM: Ernest Martineau, Chief of Police
Designee: John Maki, Sgt.
DATE: 02-07-2018

APPROVED
CHIEF OF POLICE
An 2/7/18

RE: Petition Number: new request Of: Ptl. Leroy Jackson

To: Remove the last 2 metered parking spots on Easterly side of Wallace Ave. @ Elm St. and replace with a new "Loading Zone" for the off-loading of passengers using the Senior Center, particularly Elderly and Handicapped.

After careful review and due consideration of the above listed petition we hereby notify you that:

- ☐ the petition, and its requested action, appear to be in violation of the law unless it is enacted pursuant to, and in compliance with, MGLA C. 85 § 2, as most recently amended by C. 552, § 54 Acts of 1991, the Manual on Uniform Traffic Control Devices (Massachusetts), and the United States Department of Transportation (DOT) Manual on Uniform Traffic Control Devices.
- ☐ the petition, and its requested action, if enacted unlawfully, may subject the City of Fitchburg to possible and probable civil liability.
- ☐ the petition, and its requested action, if enacted unlawfully, will require a ruling by the City Solicitor prior to any enforcement action by the police department.
- ☐ the petition, and its requested action, appears to be contrary to the needs of public safety and the preservation of good order.
- ☐ the petition, and its requested action, appears to be contrary to the orderly movement and control of traffic.
- ☐ the petition, and its requested action, appears to require engineering, design, planning or study beyond the mission or capabilities of a law enforcement agency. Recommend submittal to the Department of Public Works.
- ☒ the petition, and its requested action, appears to promote the preservation and maintenance of public peace, good order, tranquility, public safety and/or the favorable movement and control of traffic.
- ☒ Comments:

See Police Report 18-3608-OF

Petitions

Fitchburg Police Department
Incident ReportPage: 1
02/07/2018Incident #: 18-3383-OF
Call #: 18-3383Date/Time Reported: 01/25/2018 1004
Report Date/Time: 01/25/2018 1252
Status: No Crime InvolvedReporting Officer: POLICE OFFICER LEROY JACKSON
Approving Officer: Sergeant JOHN MAKI

Signature: _____

Signature: _____

EVENTS (S)

LOCATION TYPE: Government/Public Building Zone: Crew 3
WALLACE AVE
FITCHBURG MA 01420

1 Police Information/ TRAFFIC REQUEST

Fitchburg Police Department

Page: 1

NARRATIVE FOR POLICE OFFICER LEROY M JACKSON

Ref: 18-3383-OF

Entered: 01/25/2018 @ 1253 Entry ID: 98
Modified: 02/07/2018 @ 1424 Modified ID: 64
Approved: 02/07/2018 @ 1441 Approval ID: 64

Traffic Request: 18-3383**Senior Center****Officer Jackson****01/25/18**

On Wednesday, January 24, 2018 while assigned to the Traffic Bureau for the City of Fitchburg police department. I received a request from members of the Disability Commission and the Department of Public works to review the elimination of the last meter parking at the easterly corner of Wallace Ave right side at the intersection with Elm St.

Request as follows: Due to the direction of one-way streets, there is no safe place for vans or buses to drop off passengers at Senior Center, especially elderly and handicapped. Can the last two parking spaces on Wallace Ave at Elm St, adjacent to Monument Park, be eliminated and designated as a bus stop?

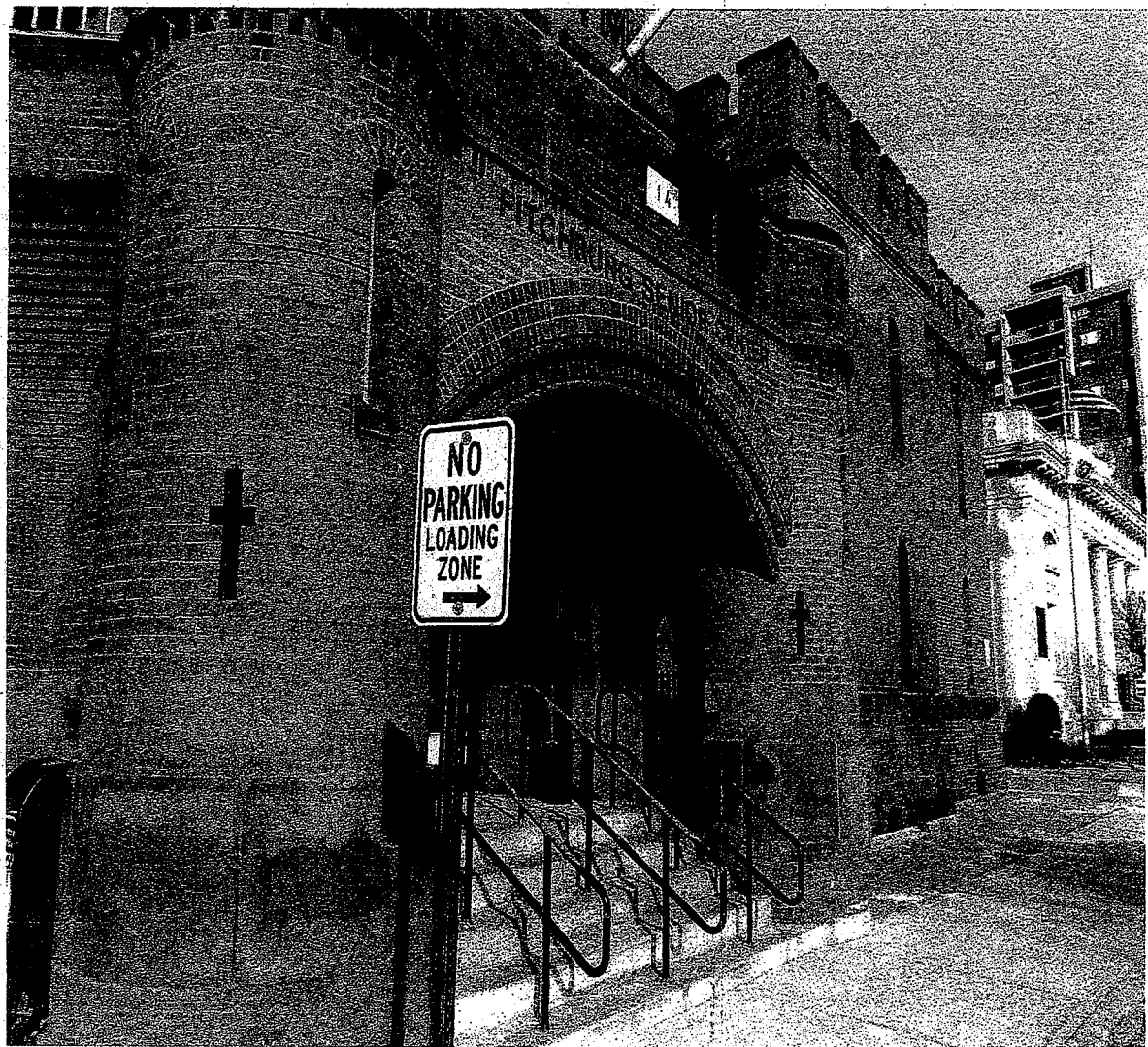
With removal of the last Parking Meter on the Easterly side of Wallace Ave at Elm St. this would free up two parking spots for the proposed new Loading Zone on the Easterly side of Wallace Ave. where it intersects at Elm St. This new Loading Zone should be properly marked in a way to allow vehicles to see oncoming traffic, traveling from an Easterly to Westerly direction. (One Way). Establishment of new loading zone on the easterly side of the roadway would allow off-loading of passengers onto a sidewalk, "Safe Zone". This would enable passengers from these vehicles to cross at the cross walk with proper curb cuts already installed on the sidewalk it services.

Officer Jackson spoke with Mr. Michael Forest, the City's Senior Parking Enforcement Officer, who had no problems with this change on Wallace Avenue.

Petitions



City of Fitchburg Police Department
Traffic Bureau



Keep current signage No Parking/ Loading Zone on Westerly side of the road.

Case Number: 18-3383

Officer L. Jackson #98



City of Fitchburg Police Department
Traffic Bureau



Wallace Avenue – Loading Zone Placement

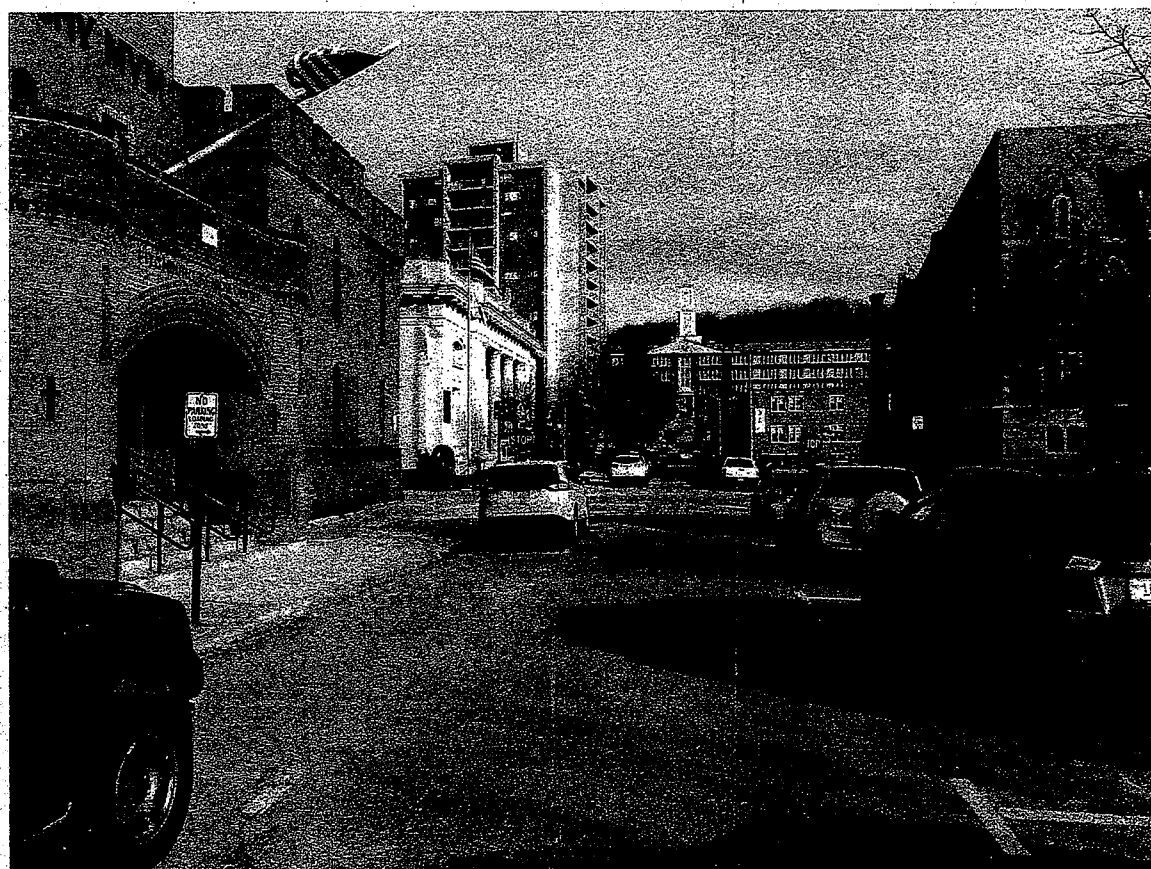
Case Number: 18-3383

Officer L. Jackson #98

Petitions



City of Fitchburg Police Department
Traffic Bureau



Wallace Avenue – northerly sightline – requested location on easterly side of the roadway, nearest the intersection of Wallace Avenue and Elm Street

Case Number: 18-3383

Officer L. Jackson #98

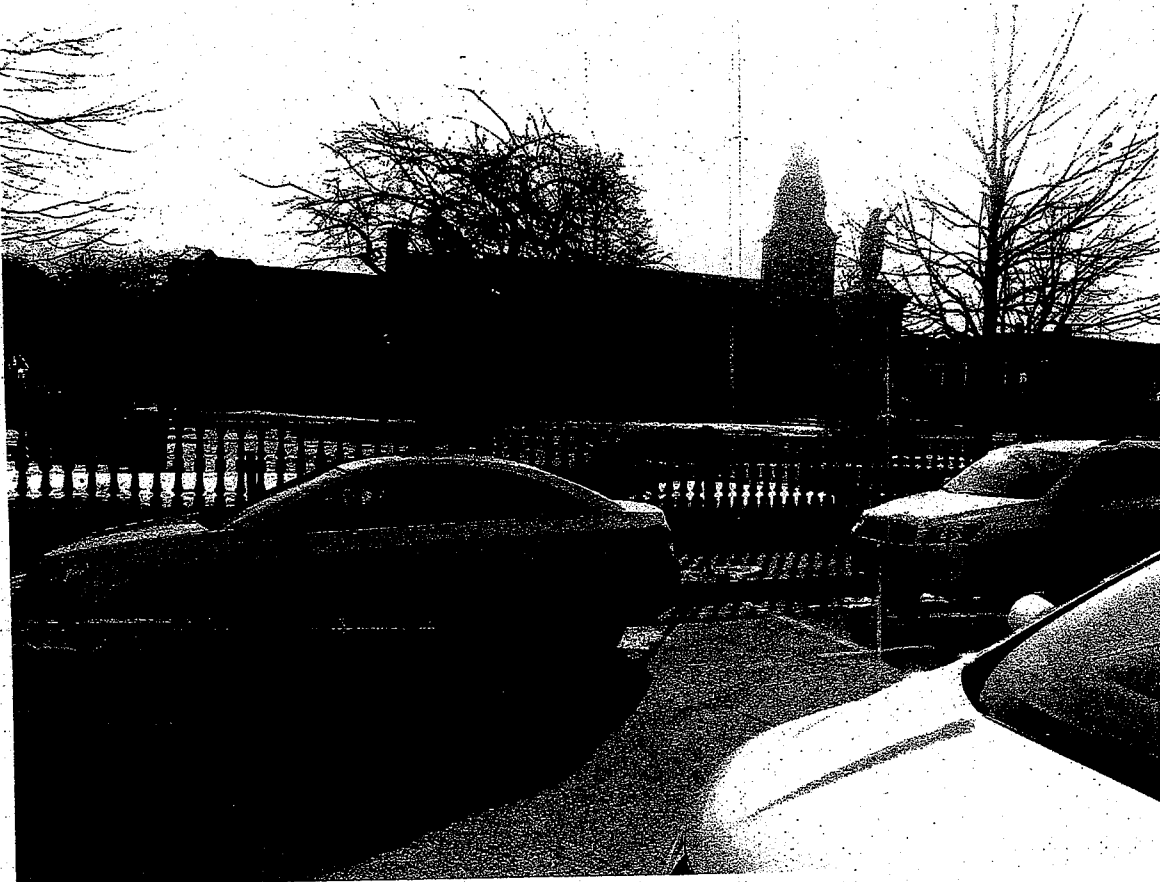
City of Fitchburg,

February 20, 2018

Petitions



City of Fitchburg Police Department
Traffic Bureau



Remove meter and replace with Loading Zone.

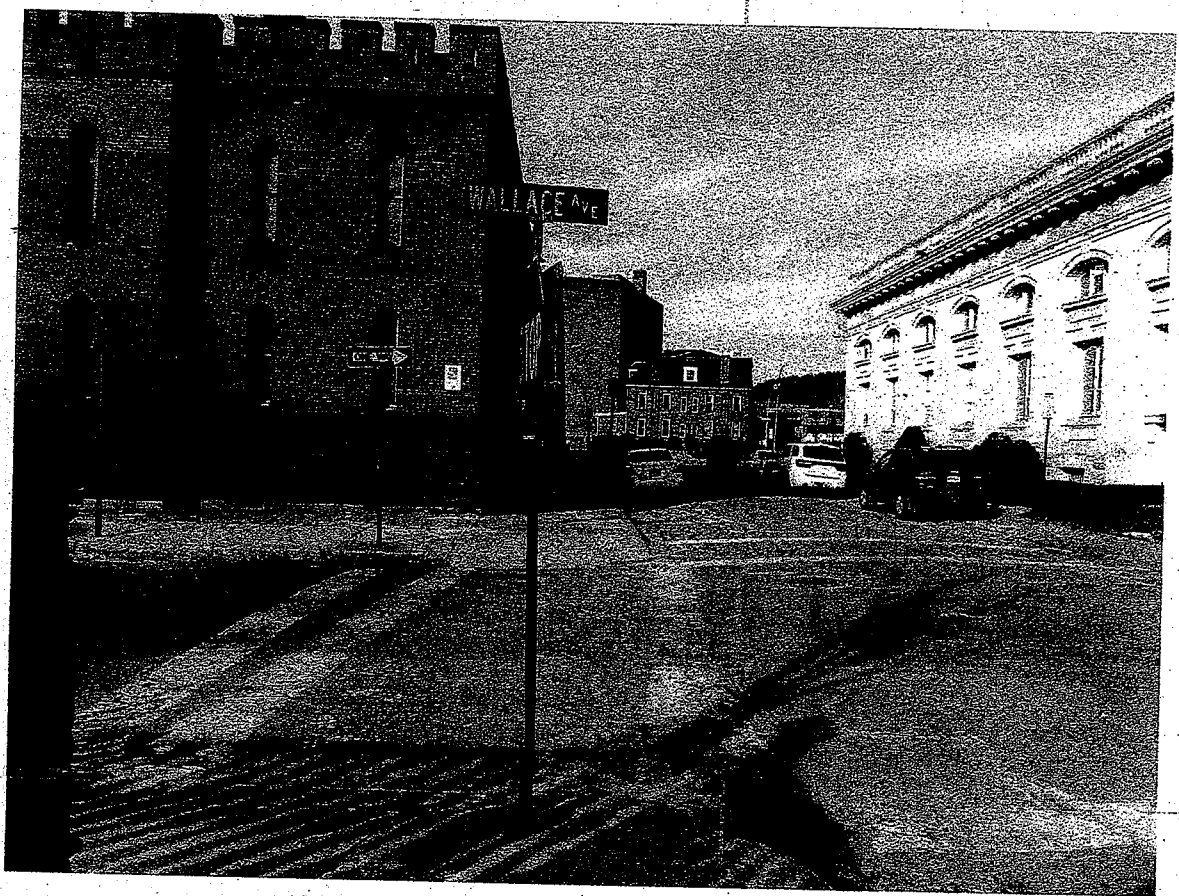
Case Number: 18-3383

Officer L. Jackson #98

Petitions



City of Fitchburg Police Department
Traffic Bureau



Elm Street at Wallace Avenue – westerly sightline

Case Number: 18-3383

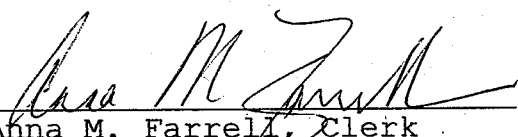
Officer L. Jackson #98

Petitions

The following Petitions were referred to the Public Works Committee:

- 040-18. Councillor Marcus DiNatale and Miriam Ruiz Gonzalez, to install new fencing at the Boylston Street Playground.
- 041-18. Councillor Michael Kushmerek and Ms. Sharon Bernard, to repair the handicap accessible ramp located at the crosswalk immediately in front of the library. The ramp and adjoining curb are uneven, causing pooling and hazardous ice buildup.
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The meeting adjourned at 7:34 P.M.


Anna M. Farrell, Clerk